

MEMORANDUM NOTE DE SERVICE

DATE 17 September 1976

FROM: M. C. Cormier
DE: Chief, Economics Division
Fisheries & Marine Service
Halifax

Out file / Votre référence: 5754-14-9

TO: DISTRICT PROTECTION OFFICERS
A:

Your file / Votre référence:


SUBJECT:
SUJET:

LOBSTER MOONLIGHTERS

Attached is a copy of a questionnaire currently being sent to all lobster fishermen who held operator's licenses in 1975, including those who have been identified as "moonlighters". There will, of course, be errors and omissions in the mailing list. No 1975 operator has been intentionally excluded from this survey, so any who ask may be given a copy.

In the meantime, the policy continues.

Only the current season in District 8 and the coming season in District 3 will continue to be affected by the Minister's postponement announced in April. Appeals may be heard as usual.


M. C. Cormier

MCC:pnb
Attachment

Distribution

W. N. Farrar, D.P.O., Charlottetown
C. R. Lavoie, D.P.O., Moncton
W. H. Baskin, D.P.O., Newcastle
J. F. McAvoy, D.P.O., St. Andrews
D. A. MacKinnon, D.P.O., Sydney
G. W. Smith, D.P.O., Digby
J. B. Vaughan, D.P.O., Truro
C. D. Morrison, D.P.O., Liverpool



Environment
Canada

Environnement
Canada

Fisheries and
Marine

Pêches et
Mer

13 September 1976

5754-14

Dear Sir:

This letter is to ask your opinion on this question: Should persons in your lobster-fishing district who have another full-time job be allowed to fish lobster?

Last December, Roméo LeBlanc, Minister of State for Fisheries, announced that most persons who had other full-time jobs would have to give up their lobster license immediately. Everyone else, including all the part-time fishermen who really depend on the lobster fishery, could continue to be licensed in the fishery.

Those persons whose licenses were in question received official letters from the Fisheries and Marine Service. The letters told them they might lose their licenses but had the right to appeal the decision.

Because of the large number of appeals, the Minister decided in April to let everyone keep his license at least until this fall. In order that every fisherman who has a history of participation in the lobster fishery be given an opportunity to have his wishes recorded on a confidential basis, we are asking your opinion as a license-holder. What you say will help the government decide if persons in your District with full-time employment maintain the privilege to fish lobsters.

To help you make a judgement for your District, there is more information on the next pages telling you about catches, numbers of license-holders, and how many received letters saying they might not be able to renew their lobster license. After you have marked your answer on the page marked Questionnaire, please return it in the stamped envelope right away.

Yours truly,

H. DOUGLAS JOHNSTON
Director-General, Fisheries
Fisheries Management
Maritimes Region

P.O. Box 550
Halifax, Nova Scotia

Case postale 550
Halifax, (Nouvelle-Écosse)

NOTES TO HELP YOU ANSWER THE QUESTION

Why was it proposed that those who earned their living in other work should not continue to hold lobster licences?

The following are the main reasons:

(1) The catches of those who earn their living from the fishery should not be reduced by those who earn their living elsewhere. The fewer fishermen per district, the more lobsters per fisherman. The best way to increase your catch and your income is to reduce the number of persons fishing lobster in the same place as you.

(2) A year and a half ago, the Fisheries and Marine Service held a large number of public meetings with lobster fishermen. Most of the fishermen at these meetings said that the government should take away the licences of people with other full-time jobs. Also, fishermen's associations in many parts of the Maritimes have suggested that licences not be granted to "moonlighters" such as public servants, school teachers, plumbers, electricians and others who are gainfully employed outside of the fishery.

Anyone receiving notice that he might lose his lobster-fishing licence had the right to make an appeal to a local committee including fishermen and Fisheries and Marine Service officials. If that appeal failed, he could make a second appeal to the Minister, Romeo LeBlanc. The two appeals were to make sure that no one who had a valid claim to a licence would lose it. For appeals to be well considered they must be made at least four months before the beginning of the fishing season in the local lobster district.

The following are some of the objections that were raised to taking away lobster licences from people with other work:

(1) Even with a full-time job, it can be hard to make a living without the added income from lobster fishing.

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(2) Someone who has fished for years (with a long history in fishing) may feel he should be able to keep his licence even though he has another job, and be allowed to fish a limited number of traps and have a non-renewable licence.

(3) The taking away of the licences was happening too quickly; some people thought it should be done over one or two years.

CATCHES OF LOBSTER
IN THOUSANDS OF POUNDS
DURING THE YEARS 1968 TO 1975 IN

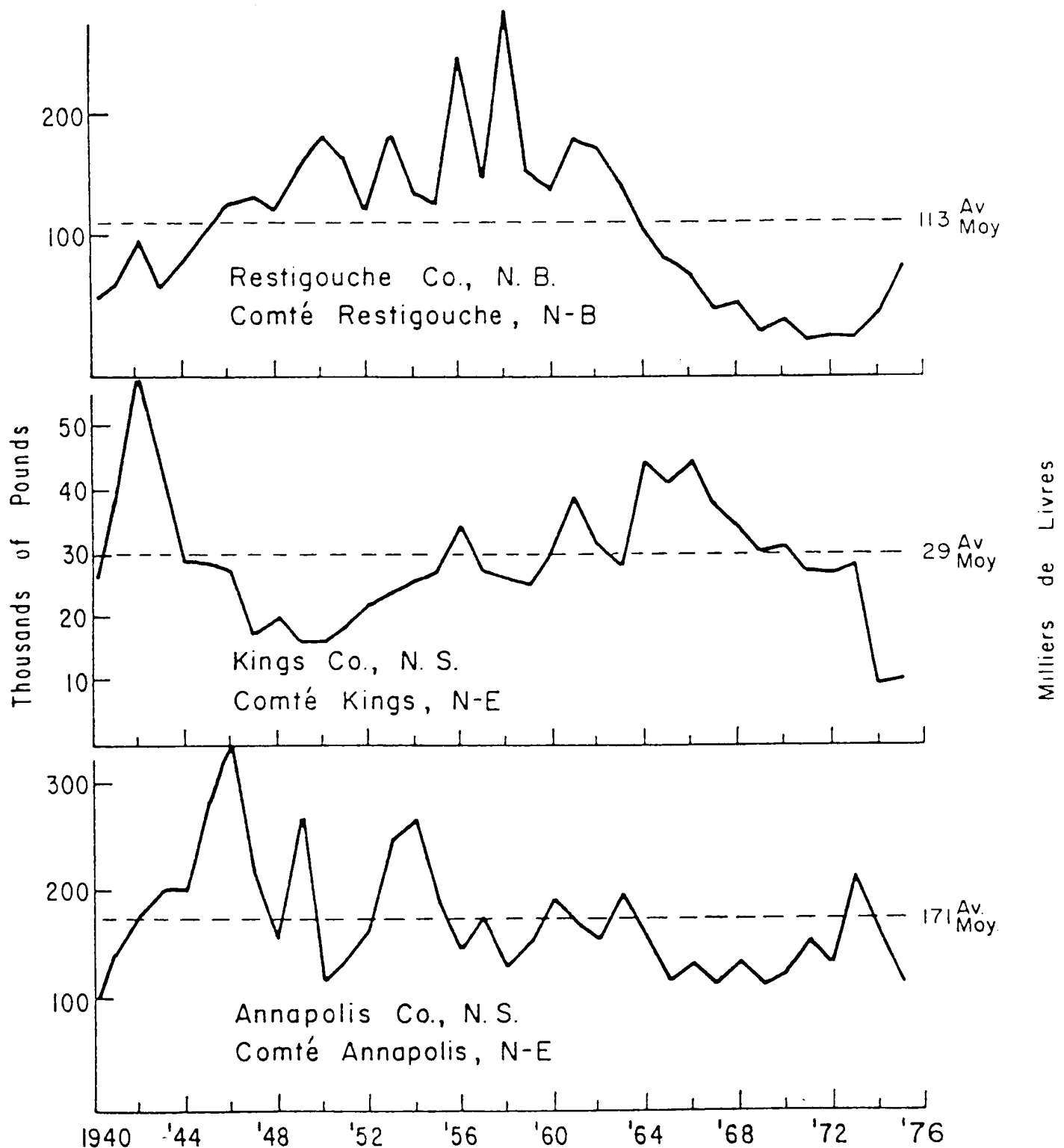
LOBSTER DISTRICT 7C

<u>YEAR</u>	<u>CATCHES</u>	<u>YEAR</u>	<u>CATCHES</u>
1968	2,159	1972	1,891
1969	1,903	1973	2,039
1970	2,288	1974	1,761
1971	1,990	1975	2,547

NUMBER OF LICENSE-HOLDERS AND OF PERSONS RECEIVING LETTERS
SAYING THEY MIGHT NOT BE ABLE TO RENEW THEIR LOBSTER LICENSE, 1976,
IN LOBSTER DISTRICT 7C

NUMBER OF LICENSE HOLDERS	<u>1,121</u>
NUMBER RECEIVING LETTERS	<u>223</u>

LOBSTER LANDINGS DEBARQUEMENTS DE HOMARD



- 3 -

4. Section 10 of the said Regulations is revoked and the following sub
therefor

- 10 (1) In the Province of Newfoundland, no person shall use a vessel to fish for lobster or leave any port or place in Newfoundland to fish for lobster either within or outside the territorial waters of Canada unless
- (a) His vessel is registered as a commercial fishing vessel;
 - (b) the operator and each crew member is licenced as a commercial fishermen; and
 - (c) an entry permit for the lobster fishery has been obtained
- pursuant to the Atlantic Fishing Registration and Licencing Regulations
- (2) In the Province of Newfoundland, a lobster fishing entry permit shall not be issued to a person who is fully employed outside of primary industry employment
- (3) In the Province of Nova Scotia, New Brunswick and Prince Edward Island, no person shall use a vessel to fish for lobsters or leave any port or place in those Provinces to fish for lobsters either within or outside the territorial waters of Canada unless
- (a) the vessel is registered with the Minister as a lobster fishing vessel;
 - (b) the registration plates are displayed on both sides of the bow or both sides of the pilot house or deck cabin of the vessel; and
 - (c) the lobster fishing vessel certificate of registration issued by the Minister is carried on the vessel
- (4) The fee for the issue of a lobster fishing vessel certificate of registration is
- (a) in the Province of Nova Scotia, New Brunswick and Prince Edward Island, \$5.00; and
 - (b) in the Province of Quebec, \$3.00.
- (5) Where the lobster fishing vessel registration plates for a lobster fishing vessel are lost or have become illegible, the person using the vessel may obtain new plates by forwarding an application therefor to the Minister together with a fee of \$1.00.

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- (6) Lobster fishing vessel registration plates are valid only
 - (a) in the district for which the plates are issued; and
 - (b) during the open season or seasons for that district that begin in the calendar year in which the plates are issued.
- (7) Where a lobster fishing vessel for which registration plates have been issued is sold or otherwise disposed of, the plates continue to be valid in respect of that vessel for the period that they would otherwise have been valid
- (8) The operator of a lobster fishing vessel shall, on demand by any fishery officer or fishery guardian, produce the lobster fishing vessel certificate of registration issued in respect of that vessel to such officer or guardian for examination.
- (9) Where the ownership of a lobster fishing vessel is changed, the new owner shall
 - (a) report the change of ownership to the Minister within 30 days of that change, in such form as the Minister may require; and
 - (b) use the lobster fishing vessel only in the fishing district for which the certificate of registration is issued.
- (10) The Minister may issue a lobster fishing vessel certificate of registration to any lobster fishing vessel where in his opinion special circumstances warrant the issuance of a lobster fishing vessel certificate of registration to that vessel.

5. Section 12 of the said Regulations is revoked and the following substituted therefor

- 12. (1) No person shall, when fishing for lobster in the Province of Nova Scotia, New Brunswick or Prince Edward Island
 - (a) fish in a district referred to in Column I of an item of Schedule II with a number of lobster traps greater than

.../5

(- 5 -)

- (i) the number set out in Column II of that item when the operator of the vessel is the holder of a category A operator's licence; or
- (ii) the number set out in Column III of that item when the operator of the vessel is the holder of a Category B or Category C operator's licence.
- (b) have on board his lobster fishing vessel or use a lobster trap unless a tag issued by a fishery officer to the owner of the vessel for the current year is securely fastened to the sill of the trap.
- (2) Paragraph (1) (b) does not apply to a person fishing for lobsters in Offshore Lobster Fishing District A.
- (3) Notwithstanding subsection (1) where a lobster fishing vessel is jointly owned and operated by persons eligible for Category A operator's licences and who are able to produce evidence satisfactory to the Minister that they have jointly owned and operated that vessel in 1968 and have continued to do so since that time, those persons may fish from that vessel with fifty per cent more lobster traps than would otherwise be permitted under these Regulations.
- (4) No person shall fish in any district in the Province of Quebec with more than 300 lobster traps per vessel.

6. Schedule II to the said Regulations is revoked and the following substituted therefor



Government
of Canada

Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

TO: All Officers

FROM: District Supervisor
DE: Charlottetown, PEI

Priority in Lobster Participation

SUBJECT
OBJET

SECURITY CLASSIFICATION / DE SÉCURITÉ

OUR FILE - N°/RÉFÉRENCE

5754-14-2

YOUR FILE - V°/RÉFÉRENCE

DATE

Jan. 6, 1975

The following received from the Director, Field Services Branch is passed on for your information and guidance.

Accepting a recommendation of the Lobster Task Force, the Minister of State for Fisheries announced in April, 1975 that persons with full time jobs would not be permitted to trap lobster. He has recently decided to introduce this in 1976. Because there is not enough lobster for everybody, the Minister has decided to reserve that fishery to persons who depend upon fishing for their livelihood.

To provide as much time as possible to the persons who may be affected by this policy, we requested in December an immediate review of the lobster operators in your District to see if any might be affected.

Information at Regional Headquarters would permit the classification of fishermen along the same lines but would be too time consuming and not provide as much advance warning and time to the persons affected. This review will be easier with the list of persons owning boats registered as commercial fishing boats in 1975, which list was already supplied to you.

Please note the following instructions.

1. The criteria to be used in judging whether the policy applies to an individual is the following:

A person who did not operate a lobster boat in 1975 and/or who was employed by one or more firms or by one or more persons on a full time basis or who was self-employed outside the primary industries on a full time basis in 1975 may not be issued a license in 1976. If his job takes

place at the same time as the lobster season, his license will not be renewed in 1976 either.

2. In applying this criteria, please consult other Departmental employees as you consider appropriate but do not contact the person involved directly. Initial contact will be made from Regional Headquarters and the Fishery Officer will not be identified as contributing to the classification.
3. Review the attached list of fishermen and check mark (✓) any who were licensed as lobster boat operators in 1975.
4. Add the name (and check mark) of any lobster boat operator in your District in 1975 whose name is not included on the list, if there should be such omissions.
5. Record opposite the appropriate boat name the lobster plate number affixed to the boat in 1975. If the boat had a different number in previous years, please indicate that also.
6. Verify that the information is accurate for the names that were printed on the list and the names you may have added. This will facilitate updating of the information by the Licensing Unit.
7. Review the list to see if any name check marked refers to a person with a full time job as described under the criteria above.
8. If there are any persons with a full time job as described, please complete one Occupation Status form for each such person.
9. Forward to your District Office the completed list of lobster boat operators, the completed Occupation Status Forms, together with a memo indicating that the identification for your District is complete and the number of Occupation Status Forms completed. The Director General attaches the greatest importance to this matter and the list, the Occupation Forms and a copy of your memo is to be returned from your District Office to Regional Headquarters by January 14 at the latest.

WARREN FARRAR
DISTRICT SUPERVISOR

Enclosure

000011

MEMORANDUM

NOTE DE SERVICE

DATE November 10, 1975

FROM:
DE:

Pierre A. Comeau,
Director, Field Services Branch,
Fisheries Management,
Maritimes Region.

Our file Notre référence

TO:
A:

Fisheries Officers.

Your file Votre référence

SUBJECT:
SUJET:

Priority in Lobster Participation

Accepting a recommendation of the Lobster Task Force, the Minister of State for Fisheries announced in April, 1975 that persons with full time jobs would not be permitted to trap lobster. He has recently decided to introduce this in 1976. Because there is not enough lobster for everybody, the Minister has decided to reserve that fishery to persons who depend upon fishing for their livelihood.

To provide as much time as possible to the persons who may be affected by this policy, we request an immediate review of the lobster operators in your District to see if any may be affected.

Information at Regional Headquarters would permit the classification of fishermen along the same lines but would be too time consuming and not provide as much advance warning and time to the fishermen affected. This review will be easier with the attached list of persons owning boats registered as commercial fishing boats in 1975.

Please note the following instructions.

1. The criteria to be used in judging whether the policy applies to an individual is the following:

A person who did not operate a lobster boat in 1975 and/or who was employed by one or more firms or by one or more persons on a full time basis or who was self-employed outside the primary industries on a full time basis in 1975 may not be issued a license in 1976.

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Fisheries Officers

November 10, 1975

2. In applying this criteria, please consult other Departmental employees as you consider appropriate but do not contact the person involved directly. Initial contact will be made from Regional Headquarters and the Fishery Officer will not be identified as contributing to the classification.
3. Review the attached list of fishermen and check mark (✓) any who were licensed as lobster boat operators in 1975.
4. Add the name (and check mark) of any lobster boat operator in your District in 1975 whose name is not included on the list, if there should be such omissions.
5. Record opposite the appropriate boat name the lobster plate number affixed to the boat in 1975. If the boat had a different number in previous years, please indicate that also.
6. Verify that the information is accurate for the names that were printed on the list and the names you may have added. This will facilitate updating of the information by the Licensing Unit.
7. Review the list to see if any name check marked refers to a person with a full time job as described under the criteria above.
8. If there are any persons with a full time job as described, please complete one Occupation Status Form for each such person.
9. Forward to your District Office the completed list of lobster boat operators, the completed Occupation Status Forms, together with a memo indicating that the identification for your District is complete and the number of Occupation Status Forms completed. The Director General attaches the greatest importance to this matter and the list, the Occupation Forms and a copy of your memo is to be returned from your District Office to Regional Headquarters by November 30 at the latest.

Pierre A. Comeau

Enclosure

000013

LOBSTER LICENSE APPLICANT

OCCUPATION STATUS

Name: _____

Mailing Address: _____

Telephone: _____

Lobster License No. (1975): _____

Lobster Boat Plate No. (1975): _____

Name of Boat: _____

Types of Fisheries (1975)

Months (EST)

Other Occupations (1975)

Months (EST)

Fishery Officer

Telephone

Letter to persons likely to be unable to renew their
lobster fishing license in 1976:

In April, 1975, after reviewing the report of the Lobster Task Force, the Minister of State for Fisheries, the Honourable Romeo LeBlanc, announced that persons with full time jobs would not be able to participate in the lobster fishery. He has further reinforced this by indicating that this programme, intended to reserve the lobster fishery for people dependent upon fishing, would be introduced in 1976.

Information on hand suggests that under the above criteria, your lobster fishing license will not be renewed in 1976. Accordingly, this letter is to provide you with advance information so that you will have more time to consider your position.

However, if you believe that our information is either incomplete or incorrect, you may complete the attached Statutory Declaration and have it attested by the indicated authority for submission to your local District Protection Officer, Mr. at . You may call him at for further details regarding the time that the Appeals Committee may consider your case or for any other aspects of your case.

We wish to remind you that the information you submit on the Statutory Declaration has the same force and effect as if made under oath. Accordingly, penalties apply to persons knowingly giving or alleging false information.

Yours very truly,

J.W. Carroll
A/Director General
Fisheries Management
Maritimes Region



Environment
Canada

Environnement
Canada

STATUTORY DECLARATION

DÉCLARATION STATUTAIRE

Province of
Province de

To wit:
A Savoir:

In the matter of Appeal of the ruling of the
A propos de Fisheries and Marine Service
respecting the eligibility of
the Declarant to obtain a li
cense to operate a commercia
fishing vessel in the lobste
fishery in 1976

I Je of the de of de

in the county of in the Province of
dans le comté de dans la province de

Do solemnly Declare that in 1975, my record of employment was as follows:
Déclare solennellement que

Employer type of work period from to

Employer type of work period from to

Employer type of work period from to

and that in 1975, I was engaged in the following commercial fishing activiti

Fishery Name of Vessel period from to

Fishery Name of Vessel period from to

Fishery Name of Vessel period from to

and that my non-fishing employment cannot be considered full time employer
outside the fisheries because

and
of

INSTRUCTIONS FOR IMPLEMENTATION OF PROGRAMME TO ESTABLISH PRIORITIES IN PARTICIPATION IN LOBSTER FISHING - ATLANTIC

Authority

In April, 1975, the Minister of State for Fisheries, after reviewing the report of the Lobster Task Force, announced that persons with full time jobs other than fishing would not be able to participate in the lobster fishery. This has been further reinforced by his statement in November, 1975 when he indicated that these persons would not be able to obtain a license in 1976.

Rationale

Because lobster are not sufficiently abundant to permit everybody to harvest this resource, some persons will not be able to trap lobster. The Minister's policy is that those persons who are less dependent upon fishing for their livelihood will be excluded from lobstering. This programme is to implement these priorities.

Time

Because this policy affects people who have capital investment in the lobster fishery and they may wish to dispose of such assets through sale to other fishermen, or may wish to divert to other fisheries or may wish to appeal their initial classification as persons with full time non-fishing jobs, it is essential that the persons affected be identified and informed at the earliest. These persons should have as much time as possible to adjust and react to the new policy.

Fishery Officers Participation

Most of the information for the classification of these fishermen is available at Headquarters but time does not permit its assembly and verification. Instead, the initial classification will rely upon general information available to Departmental field personnel without direct contact with the affected persons at this stage. Persons affected by the policy will be contacted from Regional Headquarters.

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Procedures

The implementation of the programme will involve the following steps: (a) development of criteria for exclusion, (b) identification of persons likely affected by the criteria, (c) notification of persons likely affected by classification with instructions on appeal procedures, (d) establishment of appeal boards, (e) board decisions on individual appeals, (f) Ministerial decision on individual appeals.

Criteria

All persons who did not operate a lobster boat in 1975 and/or who are employed by one or more firms or by one or more persons on a full time basis or who are self-employed outside the primary industries on a full time basis may not be issued a license to operate a lobster boat in 1976. Operate a lobster boat means who were the operators in charge of the lobster boat during the greater part of the 1975 season. Full time means year round but also includes employment of less than 12 months such as teachers, construction workers, fish plant workers, dragger operators, etc., and those employed at a job that takes place or could take place at the same time as the lobster season.

Identification

This is a preliminary judgment on the part of Departmental personnel as to whether the criteria applies to an individual person. This initial judgment is made without informing the person so as to prevent individual Departmental employees from being blamed for a decision that may be taken subsequently. The Fishery Officer should, if in doubt, consult other Departmental employees. When the evidence suggests that a person may be subject to the policy, then an Occupation Status Form is completed for that person.

To facilitate the task of identification, each Fishery Officer is provided with a list of all persons owning commercial fishing boats in 1975. First, each person on the list who is also the operator of a registered lobster boat should be checked marked (✓). Second, the plate number of the boat he operates in the lobster fishery should be recorded

(47)
- 3 -

on this list. Third, the name of any lobster boat operator licensed in the District but not included on the list is to be added to the list. Fourth, the appropriate information (boat name, operator's name, address and lobster plate number) should be verified. The list should now contain the accurate information requested for each lobster boat operator in the District.

Now the list should be reviewed to see if it contains the names of any persons with a full time job as defined under criteria. For every such person, the Fishery Officer completes an Occupation Status Form which he submits to his District Office with an attached memo (copy to Regional Office) indicating the number of forms submitted as well as the list of lobster boat operators. The District Office subsequently forwards the list, the Occupation Status Forms and copy of the memo to Regional Headquarters (by November 30).

Notification

After all Occupation Status Forms are received at Regional Headquarters, these are screened for consistency and completeness. Where required further consultation with Fisheries Officers and District Officers will take place to establish accuracy and consistency. After this screening, each person on the list will be forwarded a registered letter indicating his lobster license will not likely be renewed in 1976 and that his boat will not be eligible to be used in lobstering in 1976. At the same time, he will be informed of the criteria used to establish his classification and that he may, if he wishes, appeal the classification by submitting to an Appeal Board information to indicate why the criteria should not apply in his case and, later, to appear before the Board to discuss his case.

Appeal

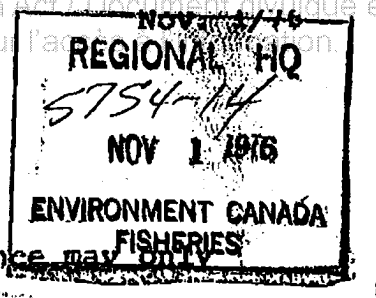
To safeguard against erroneous initial classification Appeal Boards, one per District Protection Office, will be established, comprising the District Protection Officer, a fisherman nominated by an association, if appropriate, otherwise acceptable to the local fishermen, and an independent person. This Board will recommend to the Director General whether the criteria applies to the Appellant and support their recommendations. Where the Appellant is not satisfied with the recommendation of the Board, he may appeal directly to the Minister.

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License Transfers

Effective today, lobster boats may not be transferred from one person to another. All lobster boat operators in charge of a lobster boat in 1975 must be reviewed as to status but persons who may have acquired a registered boat subsequent to the 1975 season will be automatically excluded.

LICENSING GUIDELINES FOR
LOBSTER PARTICIPATION POLICY



1. A lobster fishing vessel operator's licence may be issued to:

(a) a Canadian citizen

or

a landed immigrant during his first five years in Canada.

(b) a person operating a boat in the lobster fishery in the previous season as the principal operator, unless admitted as a new entrant through the transfer of a registered lobster boat.

2. Lobster fishery licences to be issued in three categories:

Category "A" licences will be limited to those persons who do not have full-time employment or whose part-time employment is not concurrent with the lobster fishing season in that person's locality. An exception to these rules may be made for those individuals who otherwise do not qualify for a licence and who do not earn in excess of the Federal minimum wage plus 25%.

Category "B" licences will be issued to those individuals with a history in the fishery dating back to 1968 or earlier but who do not meet the criteria for an "A" category licence. The holder of a "B" licence will only be permitted to fish a maximum of 30 per cent of the fishing gear normally permitted for an "A" category licensee for that district. The "B" category licence is not transferable and will expire when the licensee leaves the fishery.

*Copy sent to
H.D. Johnston
1/11/76*

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Category "C" licences may be issued to those persons who presently hold lobster licences but do not qualify for an "A" category licence and entered the fishery subsequent to 1968. These licences are not transferable and will expire within two years commencing with the date of opening of the fishery in the district for which the licence is issued. The first expiry dates will be prior to the opening of the fishery in the fall of 1978 in Districts 1 and 4. "C" category licences will only be permitted to fish a maximum of 30 per cent of the gear normally permitted for an "A" category licence for that district, i.e., the same amount of gear as permitted by a "B" category licence.

3. Full employment means recurrent gainful employment in a year-round occupation or business, outside of any primary industries (equivalent to eight hour day or 40 hour week).
4. Persons who are ineligible for an "A" category licence under this policy may become eligible for such a licence if their circumstances change.
5. Lobster boats registered in the name of persons who did not hold an operator's licence in 1975 and in subsequent seasons, may be re-registered. The registered owners of such boats are not subject to the employment conditions of this policy. However, the vessel registrations renewed under this provision are not transferable.

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Operators of such vessels must meet the same conditions of eligibility as operators of other lobster boats.

6. No recesses from the fishery are granted. A fisherman who registers his boat and purchases his operator's licence will not be required to fish for that season. If he becomes fully employed, he will lose his eligibility to fish in the following season, as a Category "A" licensee. However and subject to the date of entry into the fishery he may be eligible for a "B" or a "C" licence.
7. In order to transfer a registered lobster boat from one person to another person
 - (a) the seller must have a Category "A" licence or be eligible, at the time of the transfer, for the renewal of that licence.
 - (b) the buyer at the time of the transfer must be eligible for Category "A" licence.
 - (c) special circumstances may warrant consideration of a "B" Category licence transfer for a limited period of time following the premature or enforced retirement of a licensee.
8. Lobster registrations may be transferred only within a particular lobster fishing district and within a particular province.
9. Licence holders who fail to abide by these regulations particularly as they apply the reduced trap limits will have their licences suspended indefinitely or cancelled.

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10. Local Lobster Licence Appeal Committees will continue to function and as in the past their decisions may be appealed to the Minister.
11. Given the limited time available before the opening of Districts 1 and 4 it is not possible for those whose licences were called into question to go through the normal appeal process. Therefore the regional staff will have to make a judgement on the category of licence to be issued but these decisions may be appealed through the local committees.
12. Under normal circumstances the appeal process should be so scheduled that appeals would reach the Minister at least two months before the opening date of the season.

Appendix A

FOR IMMEDIATE RELEASE

MOONLIGHTERS TO BE PHASED OUT OF MARITIMES LOBSTER FISHERY

Fisheries and Environment Minister Roméo LeBlanc today announced the establishment of three categories of lobster licence for the Maritime provinces. The licence changes are designed to fit different situations, to take account of historical attachment to the fishery, and to prevent cases of undue hardship through loss of licence.

The establishment of new licence categories follows consultations over the past several months with lobster fishermen and representatives of fishermen's groups. Consultations included a letter last summer to Maritimes lobster fishermen asking their views on licensing. Fifty per cent of the licence-holders responded. Of these, 70 per cent supported the policy of giving priority access to lobster stocks to those persons most dependent on fishing.

Category A - full licence: This licence is normally reserved for the person who depends on the lobster fishery, and who has no year-round employment nor any full-time seasonal job that coincides with the lobster season. With approval by the Fisheries

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This information was released to the wire services on the date indicated. Despite the delay, some releases and speeches are mailed to out-of-town media because the content is not time-dependent or because it will be useful for background files.

Cette information a été transmise aux agences de presse à la date indiquée. Malgré le retard, certains communiqués et discours sont expédiés aux médias de l'extérieur, parce que leur contenu n'a rien à voir avec les délais ou parce qu'ils peuvent servir comme documentation.

2.

and Marine Service, the holder of an A licence can under specific conditions transfer it to another person.

Category B - limited licence: Although the holder of this licence has regular employment elsewhere, he has a claim to participate in the lobster fishery through historical attachment. Persons who have fished lobster from 1968 or earlier may qualify for this licence. (1968 was the year when limited access was first established in this fishery.) The B-licence holder may fish 30 per cent of the maximum number of traps allowed in his Lobster District (for example, if the regular trap limit is 300, the B-licence holder may fish 90 traps). Normally, a B-licence remains restricted to the licensee alone and expires when he leaves the fishery.

Category C - temporary licence: With full employment elsewhere, with only a short history in this fishery, and with no real dependence on the lobster fishery, persons in this category have no claim to continue holding a licence. To allow some transition time, for example to sell off boats and traps, these licence-holders will be allowed limited fishing privileges (as for B-licence holders) for up to two years. There will be no transfer of C-licenses allowed.

The screening process of those who have formerly held lobster licences will continue over the coming months. Where the status of a licence is questioned, the licence-holder may appeal to local boards (made up of fishermen and Fisheries and Marine Service officials) and then, if not satisfied, to the

.../3

3.

Minister of Fisheries and Environment. In determining access to licences, the appeal boards may take into account cases of undue financial hardship or of the desire to transfer a licence within a family. The licence-holder should put forward his appeal no later than two months before the opening of the next season in his Lobster District. For example, where the season opens May 1st, the licence-holder should appeal by March 1st. (In Districts 1 and 4, where the season opens later this year, appeals are now being considered.)

"If those who have had their trap limit reduced violate the restriction, they could find their licence suspended or cancelled immediately," Mr. LeBlanc said. "Penalties of similar severity will apply to any others who poach lobsters. This includes other fishermen, for example some dragger operators who retain lobsters caught by accident and sell them."

About 15,000 persons now take part in the Maritimes' lobster fishery, which is divided by regulations into several districts. Lobster landings in the Maritimes were worth about \$41 million in 1975, the highest value for any species.

- 30 -

92/11/9/76
Joseph Gough
Information Branch
Fisheries and Marine Service
Department of Fisheries and Environment
Ottawa, Ontario (K1A 0H3)
613/995-2041

February 28, 1977

P.A. Comeau
Director
Field Services Branch

5754-14-9

All Area Managers
All District Protection Officers

LOBSTER POLICY GUIDELINES

I am enclosing a document entitled "Lobster Policy and Operating Guidelines for Fishery Officers". These guidelines were promised following our meetings in Moncton in January. I apologise for the delay in their preparation.

These guidelines were prepared to provide a general interpretation of the Lobster Moonlighter Policy in an effort to assure consistent enforcement during the implementation of the policy. They are designed to answer most questions which the local officers may have with respect to interpretation of the policy. Each district officer is requested to outline the actual methods and procedures for local officers with respect to record keeping, documentation required for the submission of appeals, and actual licensing procedures. I hope the guidelines are suitably inclusive as to allow for a good working background. All further questions respecting interpretation of policy and the consistent adoption of policy throughout all areas should continue to be directed through this office.

P.A. Comeau

Enc.
HHS/jmw

**Pages 29 to / à 31
are duplicates of
sont des duplicatas des
pages 83 to / à 85**

FOR IMMEDIATE RELEASE:

TIGHTEN CONTROLS ON EAST COAST LOBSTER FISHERY

OTTAWA - New measures coming into effect today to exclude from the lobster fishery those who earn their living elsewhere should bring higher returns to legitimate fishermen, Roméo LeBlanc, Minister of State for Fisheries, said today.

"Stricter licence controls against moonlighters along with other measures will give us a smaller fleet catching more lobsters per fishermen," Mr. LeBlanc said. "Local advisory committees of fishermen and others will help us put these measures into effect for each lobster fishing district."

Effective today, a temporary freeze applies on the issuance of new licences and the transfer of licences for lobster fishermen and vessels pending announcement of further measures. By January 20, 1976, a minority of licence-holders will receive notification that their lobster fishing privilege has been called into question. Those with full-time employment in year-round occupations such as school teachers, civil servants, professionals, etc., or in occupations that coincide with the lobster season will lose their privilege to fish lobster. They will have the right to appeal at the district level and to the Minister.

The tighter licence controls and other management changes are in accord with recommendations of a Task Force on lobster established last year. Senior Fisheries and Marine Service personnel met with more than 1,000 Atlantic coast fishermen and others in the lobster fishery.

"The fishermen demanded strongly that we exclude 'moonlighters' from this fishery," Mr. LeBlanc said. "This we intend to do. We have no intent to disturb the part-time fisherman with a real dependence on the lobster fishery or the man using his boat in more than one fishery. We want only to honour the demands of these legitimate fishermen by excluding a minority with no real stake in the lobster industry."

"Our advisory committees will help us apply licensing policy with sensitivity to local situations," Mr. LeBlanc said. "We will not withdraw licences where this would impose an undue hardship; we will withdraw them in the many cases where people with no need for a lobster licence have by competing for this limited resource imposed hardship on others."

"For the person with a full-time job, or for the poacher, lobster something extra; for the fishermen it is everything. Depending on limited resource for a good part of his income, the real fisherman needs protection".

The great majority of lobster fishermen will be able to obtain the necessary permits in the normal fashion before the opening of the next lobster season in their district. About 20,000 people now take part in the Atlantic coast lobster fishery, which is divided by regulations into several districts. Lobster landings in 1974 were worth about \$37 million; the highest value for any Atlantic coast species.

Further measures affecting the lobster fishery are as follows:

- (1) The number of lobster licences on the Atlantic coast will not exceed the present total, and will through several measures become less each year until there is a better balance between resource and effort. (A ceiling on the number of licences had already applied in the Maritime provinces; a similar policy will now apply in Newfoundland.)
- (2) Holders may not sell or transfer a lobster fishing licence or vessel certificate of registration. (Members of a holder's immediate family may however receive special consideration for issuance of licences.) Applications for transfers will be held in abeyance until such time as further measures are announced.
- (3) Fishermen in Newfoundland may fish no more traps than they fished in 1975, until surveys determine suitable trap limits for the various districts.
- (4) Besides advising on the current review of some licences the local advisory committees will help set criteria for granting licences when new entrants can be allowed.

"The measures announced are the first step in a program to restrict licences to those who need them and to encourage a reduction in the number of lobster fishermen," Mr. LeBlanc said. "There will be further announcements, on the lobster fishery specifically, and on measures to strengthen the whole Atlantic coast fishing industry."

Mr. LeBlanc paid tribute to the sustained effort of the Lobster Task Force members. He emphasized that the creation of advisory committees would provide flexibility and the input of local considerations against the danger of arbitrary actions occurring.

-30-

Joseph Gough
Information Branch
Fisheries & Marine Service
Environment Canada

Fisheries and Pêches
Marine de la mer

Your file Votre référence

Our file Notre référence

5754-14

Dear Sir:

On November 9, 1976, Romeo LeBlanc, Minister of Fisheries and the Environment, introduced three categories of lobster fishing licences for the Maritime Provinces, which will be the basis for issuing lobster licences in 1977 and in subsequent years.

1) Category "A" Licences

This licence is reserved for the person who has no year-round employment outside the primary industry, nor any full-time seasonal job that coincides with a lobster fishing season. This licence entitles the holder to fish up to 100% of the authorized maximum number of lobster traps for his lobster fishing district.

It should be noted that special consideration will be given to those individuals holding full-time jobs that provide below average incomes.

2) Category "B" Licence

This licence is reserved for those persons who have year round employment or whose seasonal job coincides with a regular lobster fishing season and who were licenced in the lobster fishery earlier than 1968 and every year since. This licence entitles the holder to fish 30% of the authorized maximum number of lobster traps for his lobster fishing district as long as he remains in the fishery. This licence is normally not transferrable.

3) Category "C" Licence

This licence is reserved for those persons who have year round employment or whose seasonal job coincides with a regular lobster fishing season and who have acquired their lobster fishing licence anytime after 1968. It entitles the licensee to fish 30% of the

Authorized maximum number of traps for his lobster fishing district.
The Category C licence will be renewable only until the end of 1978,
at which time the fishing rights will terminate. The licence is
NOT transferrable.

Any person not satisfied with the category to which he has been
assigned should contact the undersigned no later than two months
before the opening of the next fishing season in your lobster
fishing district.

This is to advise that your fishing and employment records have
been reviewed at this office and you have been allocated a

CATEGORY " "

Licence for 1977.

Fishery Officer

Environment Canada Environnement Canada
Fisheries and Marine Pêches et Mer

13 September 1976

5754-14

Dear Sir:

This letter is to ask your opinion on this question: Should persons in your lobster-fishing district who have another full-time job be allowed to fish lobster?

Last December, Roméo LeBlanc, Minister of State for Fisheries, announced that most persons who had other full-time jobs would have to give up their lobster license immediately. Everyone else, including all the part-time fishermen who really depend on the lobster fishery, could continue to be licensed in the fishery.

Those persons whose licenses were in question received official letters from the Fisheries and Marine Service. The letters told them they might lose their licenses but had the right to appeal the decision.

Because of the large number of appeals, the Minister decided in April to let everyone keep his license at least until this fall. In order that every fisherman who has a history of participation in the lobster fishery be given an opportunity to have his wishes recorded on a confidential basis, we are asking your opinion as a license-holder. What you say will help the government decide if persons in your District with full-time employment maintain the privilege to fish lobsters.

To help you make a judgement for your District, there is more information on the next pages telling you about catches, numbers of license-holders, and how many received letters saying they might not be able to renew their lobster license. After you have marked your answer on the page marked Questionnaire, please return it in the stamped envelope right away.

Yours truly,

H. Douglas Johnston
H. DOUGLAS JOHNSTON
Director-General, Fisheries
Fisheries Management
Maritimes Region

NOTES TO HELP YOU ANSWER THE QUESTION

Why was it proposed that those who earned their living in other work should not continue to hold lobster licences?

The following are the main reasons:

(1) The catches of those who earn their living from the fishery should not be reduced by those who earn their living elsewhere. The fewer fishermen per district, the more lobsters per fisherman. The best way to increase your catch and your income is to reduce the number of persons fishing lobster in the same place as you.

(2) A year and a half ago, the Fisheries and Marine Service held a large number of public meetings with lobster fishermen. Most of the fishermen at these meetings said that the government should take away the licences of people with other full-time jobs. Also, fishermen's associations in many parts of the Maritimes have suggested that licences not be granted to "moonlighters" such as public servants, school teachers, plumbers, electricians and others who are gainfully employed outside of the fishery.

Anyone receiving notice that he might lose his lobster-fishing licence had the right to make an appeal to a local committee including fishermen and Fisheries and Marine Service officials. If that appeal failed, he could make a second appeal to the Minister, Romeo LeBlanc. The two appeals were to make sure that no one who had a valid claim to a licence would lose it. For appeals to be well considered they must be made at least four months before the beginning of the fishing season in the local lobster district.

The following are some of the objections that were raised to taking away lobster licences from people with other work:

(1) Even with a full-time job, it can be hard to make a living without the added income from lobster fishing.

Page 2

(2) Someone who has fished for years (with a long history in fishing) may feel he should be able to keep his licence even though he has another job, and be allowed to fish a limited number of traps and have a non-renewable licence.

(3) The taking away of the licences was happening too quickly; some people thought it should be done over one or two years.

CATCHES OF LOBSTER
IN THOUSANDS OF POUNDS
DURING THE YEARS 1968 TO 1975 IN

LOBSTER DISTRICT 7C

<u>YEAR</u>	<u>CATCHES</u>	<u>YEAR</u>	<u>CATCHES</u>
1968	2,159	1972	1,891
1969	1,903	1973	2,039
1970	2,288	1974	1,761
1971	1,990	1975	2,547

NUMBER OF LICENSE-HOLDERS AND OF PERSONS RECEIVING LETTERS
SAYING THEY MIGHT NOT BE ABLE TO RENEW THEIR LOBSTER LICENSE, 1976,
IN LOBSTER DISTRICT 7C

NUMBER OF LICENSE HOLDERS	<u>1,121</u>
NUMBER RECEIVING LETTERS	<u>223</u>



Environment
Canada

Environnement
Canada



STATUTORY DECLARATION

DÉCLARATION STATUTAIRE

Province of
Province de

To wit:
A Savoir:

In the matter of Appeal of the ruling of the
A propos de Fisheries and Marine Service
respecting the eligibility of
the Declarant to obtain a li-
cense to operate a commercial
fishing vessel in the lobster
fishery in 1976

I
Je

of the
de

of
de

in the county of
dans le comté de

in the Province of
dans la province de

Do solemnly Declare that in 1975, my record of employment was as follows:
Déclare solennellement que

Employer _____ type of work _____ period from _____ to _____

Employer _____ type of work _____ period from _____ to _____

Employer _____ type of work _____ period from _____ to _____

and that in 1975, I was engaged in the following commercial fishing activities

Fishery _____ Name of Vessel _____ period from _____ to _____

Fishery _____ Name of Vessel _____ period from _____ to _____

Fishery _____ Name of Vessel _____ period from _____ to _____

and that my non-fishing employment cannot be considered full time employment
outside the fisheries because _____

and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

et je fais cette déclaration solennelle en toute bonne foi, persuadé qu'elle est véridique et sachant qu'elle a la même force et le même effet qu'une déclaration faite sous serment.

Declared before me at
Déclaré devant moi à

in the county of
dans le comté de

and the Province of
et dans la province de

this Day of
ce jour de

AD. 19

Signature of declarant - Signature du déclarant

A commissioner for Oaths, Notary Public, Justice of the Peace in and for the
commissaire aux serments, notaire public, juge de paix dans et pour la

Province of
province de

My commission expires
dont la charge expirera le

19

S/77-515 27 June, 1977 Canada Gazette Part II, Vol. 111, No. 13 Gazette du Canada Partie II, Vol. 111, N° 13 SOR/DORS/77-515

Registration

SOR/77-515 27 June, 1977

FISHERIES ACT

Lobster Fishery Regulations, amendment

C. 1977-1718 23 June, 1977

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and the Environment, pursuant to section 34 of the Fisheries Act, is pleased hereby to amend the Lobster Fishery Regulations made by Order in Council P.C. 1974-149 of 23rd January, 1974¹, as amended², in accordance with the schedule hereto.

SCHEDULE

1. (1) The definitions "Category A vessel" and "Category B vessel" in subsection 2(1) of the *Lobster Fishery Regulations* are revoked.

(2) Subsection 2(1) of the said Regulations is further amended by adding thereto, immediately before the definition "district", the following definition:

"buy-back program" means the program operated under the provisions of the Prince Edward Island Development Plan that involves the buying by the Crown of fishing vessels owned by lobster fishermen; (*programme de retrait*)"

(3) Subsection 2(1) of the said Regulations is further amended by adding thereto, immediately after the definition "district", the following definitions:

"full-time seasonal employment" means, in reference to a person, that the person normally is

(a) employed in employment for which he receives a salary or wages, or

(b) self-employed

for at least thirty-five hours per week during a period that occurs each year during the open season for the district in which that person resides; (*emploi saisonnier à temps plein*)

"fully employed" means, in reference to a person, that the person normally is

(a) employed in employment for which he receives a salary or wages, or

(b) self-employed

for twelve months each year; (*employé à temps plein*)"

(4) Subsection 2(1) of the said Regulations is further amended by adding thereto the following definition:

"primary industry employment" means self-employment in logging, farming or fishing. (*emploi dans le secteur primaire*)"

¹ SOR/74-77, Canada Gazette Part II, Vol. 108, No. 3, February 13, 1974
² SOR/76-790, Canada Gazette Part II, Vol. 110, No. 23, December 8, 1976

Enregistrement

DORS/77-515 27 juin 1977

LOI SUR LES PÊCHERIES

Règlement de pêche du homard—Modification

C.P. 1977-1718 23 juin 1977

Sur avis conforme du ministre des Pêcheries et de l'Environnement et en vertu de l'article 34 de la Loi sur les pêcheries, il plaît à Son Excellence le Gouverneur général en conseil de modifier, conformément à l'annexe ci-après, le Règlement de pêche du homard établi par le décret C.P. 1974-149 du 23 janvier 1974¹, dans sa forme modifiée².

ANNEXE

1. (1) Les définitions de «bateau de la catégorie A» et «bateau de la catégorie B», au paragraphe 2(1) du *Règlement de pêche du homard*, sont abrogées.

(2) Sont ajoutées, au paragraphe 2(1), selon l'ordre alphabétique, les définitions suivantes:

«emploi dans le secteur primaire» s'entend de l'exploitation, à son propre compte, d'une activité forestière, agricole ou halieutique; (*primary industry employment*)

«emploi saisonnier à temps plein» signifie le fait qu'une personne, habituellement,

a) occupe un emploi pour lequel elle reçoit un traitement ou un salaire, ou

b) travaille à son compte

au moins trente-cinq heures par semaine durant une période qui correspond chaque année à la saison de pêche de l'arrondissement dans lequel réside cette personne; (*full-time seasonal employment*)

«employé à temps plein» signifie le fait qu'une personne, habituellement,

a) occupe un emploi pour lequel elle reçoit un traitement ou un salaire, ou

b) travaille à son compte

douze mois par année; (*fully employed*)

«programme de retrait» s'entend du Programme administré en vertu du Plan de développement de l'Île-du-Prince-Édouard, dans le cadre duquel la Couronne achète des bateaux de pêche appartenant à des pêcheurs de homard; (*buy-back program*)»

¹ DORS/74-77, Gazette du Canada Partie II, Vol. 108, n° 3, 13 février 1974
² DORS/76-790, Gazette du Canada Partie II, Vol. 110, n° 23, 8 décembre 1976

"9. (1) Except in the Province of Newfoundland, no person shall operate a lobster fishing vessel unless he has a valid lobster fishing vessel operator's licence issued by the Minister."

(2) Subsection 9(3) of the said Regulations is revoked and the following substituted therefor:

"(3) In the Province of Quebec, no person shall assist another person engaged in lobster fishing or in tending lobster traps or be on board a lobster fishing vessel unless he has a lobster fishing helper's licence issued by the Minister."

3. Section 10 of the said Regulations is revoked and the following substituted therefor.

"9.1 (1) In the Province of Nova Scotia, New Brunswick and Prince Edward Island, lobster fishing vessel operator's licences shall be issued in accordance with subsections (2) and (4).

(2) Subject to subsection (3), a Category A licence may be issued only to a person who is the principal operator of a lobster fishing vessel that was registered in 1968 or that replaced such a vessel.

(3) A Category A licence shall not be issued to a person who

(a) is fully employed in employment other than primary industry employment, or

(b) has full-time seasonal employment

unless he can establish that his gross annual earnings during the twelve-month period immediately preceding his application for the licence do not exceed what he would have earned if paid the minimum wage plus twenty-five per cent during that period.

(4) A Category B licence may be issued only to a person who

(a) was engaged in the lobster fishery in 1968 and in each subsequent year;

(b) is the principal operator of a lobster fishing vessel that was registered in 1968 or that replaced such a vessel; and

(c) is not a person to whom a Category A licence may be issued.

(5) A Category C licence may be issued only to a person who

(a) acquired a registered lobster fishing vessel in a year subsequent to 1968; and

(b) is not a person to whom a Category A or Category B licence may be issued.

(6) Notwithstanding subsection (5), a Category C licence shall not be issued

(a) in 1978 or any subsequent year for fishing in district 1, 3 or 4; and

(b) in 1979 or any subsequent year for fishing in any district.

10. (1) In the Province of Newfoundland, no person shall operate a vessel in the lobster fishery or leave any port or place in the Province to operate a vessel in such fishery

"9. (1) Sauf dans la province de Terre-Neuve, il est interdit d'exploiter un homardier sans avoir un permis valide d'exploitant de homardier délivré par le Ministre."

(2) Le paragraphe 9(3) est abrogé et remplacé par ce qui suit:

"(3) Dans la province de Québec, il est interdit d'aider une personne qui pêche le homard ou s'occupe de casiers à homards, ou d'être à bord d'un homardier sans avoir un permis d'aide pour la pêche au homard, délivré par le Ministre."

3. L'article 10 est abrogé et remplacé par ce qui suit:

"9.1 (1) Dans les provinces de la Nouvelle-Écosse, du Nouveau-Brunswick et de l'Île-du-Prince-Édouard, les permis d'exploitant de homardier sont délivrés selon les paragraphes (2) à (4).

(2) Sous réserve du paragraphe (3), un permis de catégorie A ne peut être délivré qu'au principal exploitant d'un homardier qui était immatriculé en 1968 ou qui a remplacé un tel homardier.

(3) Un permis de catégorie A ne peut être délivré à quiconque

a) est employé à temps plein ailleurs que dans le secteur primaire, ou

b) occupe un emploi saisonnier à temps plein

à moins qu'il ne prouve que ses gains bruts annuels, au cours des douze mois précédant sa demande de permis, ne dépassent pas ce qu'il aurait gagné au salaire minimal plus vingt-cinq pour cent durant cette période

(4) Un permis de catégorie B ne peut être délivré qu'à une personne qui

a) a pratiqué la pêche du homard en 1968 et chaque année subséquente,

b) est l'exploitant principal d'un homardier qui était immatriculé en 1968 ou qui a remplacé un tel homardier et

c) n'est pas éligible à un permis de catégorie A.

(5) Un permis de catégorie C ne peut être délivré qu'à une personne qui

a) a fait l'acquisition, après 1968, d'un homardier immatriculé et

b) n'est éligible à un permis ni de catégorie A ni de catégorie B.

(6) Par dérogation au paragraphe (5), un permis de catégorie C ne peut être délivré

a) en 1978 ou après, pour pêcher dans les arrondissements 1, 3 ou 4 ni

b) en 1979 ou après pour pêcher dans quelque arrondissement que ce soit.

10. (1) Dans la province de Terre-Neuve, il est interdit d'exploiter un bateau pour pêcher le homard ou de quitter un port ou un endroit de la province en vue d'exploiter un

**LOBSTER POLICY
AND
OPERATING GUIDELINES
FOR FISHERIES OFFICERS**

**INTERNAL DOCUMENT
FEBRUARY 23, 1977
HALIFAX, N.S.**

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LOBSTER LICENSING POLICY PAPER

AND

OPERATING GUIDELINES FOR FISHERY OFFICERS

EFFECTIVE FEBRUARY, 1977

HISTORICAL OUTLINE

The Lobster Fishery Task Force was commissioned by the Minister to study all aspects of the fishery - biological, sociological and economic and from the review, determine the ills within the fishery, and finally, to provide recommendations aimed at improving "the lot" of the participants in the fishery.

In the report of the Lobster Task Force, it was reported that, based on earnings from the fishery, there were too many participants. Noting that the natural abundance of the resource is limited and that as it is a "common resource" which must be harvested for its best use to society, the Task Force recommended a number of programs to reduce the number of licenses in order to assure a reasonable income for those remaining in the fishery.

The Minister accepted the recommendation to reduce the number of participants through the elimination of those individuals not fully dependent on fishing for their incomes. This was reflected in the first "moonlighter" policy of December, 1975.

As you are aware, strenuous objections to certain factors associated with that policy including, primarily, the short period of advanced warning and the inability to process appeals resulted in the Ministerial decision to postpone implementation.

On November 8, 1976, the remodelled policy was introduced. This policy was designed to achieve the original objectives, but at the same time, to provide a phase-out of "moonlighters".

THE CURRENT LOBSTER LICENSING POLICY

Appendix "A" is the current policy paper for licensing control within the lobster fishery as issued by the Minister on November 8, 1976. The policy has been the subject of much review and discussion with respect to its interpretation and implementation. This information package summarizes the interpretations of the policy in the form of operational guidelines for the Fishery Officer to follow during the implementation of the policy. This paper replaces all policy guidelines issued in the past.

PROCEDURES

1. Categorization of Primary Operators-Policy (soon to be released in regulation form). See detailed notes following.
 - 1) Operator's licenses may be issued only to
 - a Canadian citizen
 - a landed immigrant in his first five years of residency
 - a person operating a boat in the lobster fishery in the previous season as the principal operator unless admitted as a new entrant.
 - 2.10) Operators licenses are issued in three categories.
 - 2.11) A Category A license is issued only to the main operator of a lobster fishing vessel registered in 1968 or that which replaces such vessel.
 - 2.12) who is not "fully employed"* outside of "primary industry employment"* or who does not have "full time seasonal employment" or
 - 2.13) who may be fully employed outside of "primary industry employment"* or who has "full time seasonal employment"* but can substantiate that his gross annual earnings did not exceed the Government of Canada minimum wage scale for that area plus 25% computed for the 12 month period preceding the date of his application for a license.

*Defined below.

*"Fully employed" means employed or self-employed on an annually recurring basis for a full twelve months including any leave, vacation or time off for which the employee received remuneration.

*"Primary industry employment" means self-employment in farming, fishing or logging.

*"Full time seasonal employment" means employed or self-employed on an annually recurring basis, a minimum of thirty-five hours per week in employment that is totally concurrent with the open lobster fishing season for the district in which the employee resides.

2.20) A Category B license is issued only to a person

2.21) who was licensed as the main operator in the lobster fishery the previous year and had an operator's license in every year since 1968 and

2.22) who does not meet the qualifications set out for a Category A license as defined in 2.11, 2.12, and 2.13 (above).

2.30) A Category C license may only be issued to a person

2.31) who was licensed as an operator in the lobster fishery since 1968 and

2.32) who does not meet the requirements set out for Category A and B licenses as defined in 2.10 and 2.20 above.

INTERPRETATION

Eligibility

Only one operator's license may be issued for each registered lobster fishing unit - ie., to the "primary" operator. "Helper" operators are not to be relicensed in 1977. In the event that a dispute arises as to whom is the "primary" operator, the owner of the vessel (ie., the individual appearing on the Lobster Vessel Registration Certificate) shall determine the "primary"

-4-

operator. NOTE: In the event of sickness or injury to a primary operator, the local Fishery Officer may, at his discretion, issue a "Temporary Permit" authorizing another individual to operate that vessel. The permit, to be prepared on Departmental letterhead, must specify the exact period of validity based on the nature of the illness or injury but may be renewed if necessary. Care must be taken not to issue temporary permits without proof of the sickness or injury.

Official Partnerships

When both partners are eligible for Category A licenses, either each partner will be issued a Category A license or they will be offered the option to split the partnership with each partner obtaining a new vessel registration. If one partner is eligible only for a Category B license, the partnership must be fully dissolved, with each partner being offered an operator's license of his applicable category. If both operators are eligible for B licenses only, the partnership may continue to stand with the maximum number of traps set at 150% of Two Category B partners may be split, and each partner offered a vessel registration and a Category B operator's license. Naturally, no new partnerships are permitted.

CATEGORIZATION

Each officer should, by now, have reviewed his records and have tentatively classified every primary operator as either A, B, or C (defined above).

When categorizing primary operators, it is stressed that this is an ongoing process and all operators are subject to ongoing review with respect to their licensing status. The procedures associated with determining employment status are unchanged from the previous exercise. Indeed, the work done in 1976 should be the Officers' major

source of information. Officers should confer with other members of departmental staff to assure the most up-to-date knowledge of occupation status.

The process of categorization will be reviewed annually - two months before the start of the next fishing season, based on the occupation status of each operator during the preceding 12 month period.

CATEGORY A

Category A operator licenses are reserved for persons who depend on the lobster fishery and who have no year round employment nor any full time seasonal job that coincides with the lobster season for that district. Note that full time employment is based on 7 hours/day and 35 hours/week.

As Category A licenses are issued only to persons without full time jobs, care must be taken to place only such individuals in this category. Should the occupation status of an individual not be clear after a detailed review (ie., some information may indicate full time employment) it is best to place the individual in a Category B or C position, and then place the onus on him to support his claim for an A license (see Appeals Procedures below).

THE MINIMUM WAGE EXCEPTION (2.13 on page 2)

Interpretation:

The Minister has acknowledged that although a person may have full time employment, the income from that employment may be low enough to indicate a true dependence on the lobster fishery.

Thus, a Category A license may be issued to individuals with full time jobs when their total gross income from all sources does not exceed the minimum wage for the area plus 25%. This is based on the 12 months

prior to the date of his application for a license (ie., at the time of licensing for the lobster fishery).

When categorizing, a Fishery Officer should only elevate a man from B or C to A status when he is certain, through information available to him, that the individual did not make more than the formula allows. If the officer is not completely certain, the individual must be categorized as B or C. As noted below, the individual will be able to provide documentation for review by the officer to substantiate a claim for the minimum wage exception.

CATEGORY B

The Minister has provided this category of license to be issued to persons with full time jobs but with a long historical attachment to the fishery. These individuals, although required to fish at a reduced level of activity, may remain in the fishery for as long as they choose. Transfers of vessels operated by Category B licensees are not permitted.

The Category B license is to be issued only to those persons with full time jobs who have been licensed as an operator in the fishery every year since and including 1968 and who are main operators. In the event an operator's license was not obtained in one year through an official recess, the historical attachment is preserved. The judgement between Category B and C is based on the licensing records of the local officer.

CATEGORY C

This license is reserved for those persons who hold full time jobs but became licensed operators since 1968 and are primary operators. The license may be issued for two seasons only, following which it "disappears".

When issuing Category C operator's licenses, a covering note to the fisherman regarding the nature of his license (see Appendix C) must be stapled directly to his certificate. (This does not apply where licenses have already been issued under the program, ie., District 4.)

INFORMING FISHERMEN OF THEIR LICENSING STATUS

It is necessary (except in Lobster District 4 within Protection District 3 and 4) to inform each fisherman who is eligible for a Category B or C license of his licensing status. This is to be accomplished using the form letter included as Appendix "B" of this package. District Protection Officers are responsible for providing a supply of these form letters to the local officer. This must be done as soon as form letters reach you from your supervisor. It is the Fishery Officer who is responsible for this task.

THE APPEAL PROCESS

1st Level - The Fishery Officer

As noted in the form letter to fishermen, the Fishery Officer is the first step for the fisherman to appeal the category in which he has been placed. This step is initiated to reduce the workload of the District Appeals Committee by ruling out unnecessary appeals. The fishermen are required to present appeals well in advance of the start of the season in order that the appeals may be settled before the season begins.

Appeals based on "period of employment" (occupation status) as presented to the Fishery Officer on the enclosed Statutory Declaration (Appendix "D") are to be ruled on in light of:

- a) what information the Fishery Officer has at his immediate disposal

- b) information supplied by the appellant to substantiate his claim that he was not fully employed during the 12 month period prior to the appeal and
- c) confirmation of the foregoing through alternate sources.

Note that the fisherman must supply documentation in such form as required by the local Fishery Officer, so as to convince the local officer that indeed the appellant did not have full time employment during the defined period. This documentation may include UIC reports, statements from employers, etc.

If the appellant is unable to convince the Fishery Officer that he was not fully employed in the period through documentation the officer maintains his original categorization and informs the fisherman that if he wishes to pursue the matter further, his appeal will be forwarded to the next level of appeal. At this point, the Appeal Declaration with all supporting documentation is forwarded to the Chairman of the Appeals Committee.

Appeals based on the minimum wage exception as made to the Fishery Officer should contain complete documentation of all sources of income. The local officer must take every precaution to assure that the documentation includes all income from all sources - including pensions, secondary jobs, etc. Once again, should the officer fail to be convinced that the appellant made less than the prescribed amount in the period, then his original ruling stands, and, if requested by the appellant, the entire package is passed to the Appeals Committee.

Should a fisherman appeal for a change from C to B, and the local records do not substantiate the claim of continuous participation since and including 1968, the original decision will not be reconsidered unless

sufficient documentation indicates that the local officer's records are in error. A detailed review is then required.

The Second Level Of Appeal - The Appeals Committee

In the event that the local officer, under the guidelines above, is unable to resolve an appeal based on the foregoing, the appeal is passed to the District Appeals Committee.

This Committee, comprised of 2 or 3 fishermen, an independent individual and the Chairman, usually the local District Protection Officer, will provide a decision to the appellant. If a negative decision, the option to the third level is explained.

The Third Level of Appeal - The Minister

The first and second levels of appeal can rule only (based on the information provided) in light of the defined policy. Only the Minister may rule in light of the "human factor" or related extenuating factors.

NOTES ON LICENSE CATEGORIES

Level of Participation

Once having been categorized and licensed, the fisherman may fish (from the vessel of which he is the main operator) the applicable number of traps as summarized below.

<u>District</u>	<u>No. of Traps (A)</u>	<u>No. of Traps (B & C)</u>
1	375	113
3	300	90
4 West	375	113
4 East	250	75
5	250	75
6A	250	75
6B	275	83
7A	275	83
7B	300	90

(CONT'D ON NEXT PAGE)

<u>District</u>	<u>No. of Traps (A)</u>	<u>No. of Traps (B & C)</u>
7B1	300	90
7C	375	113
8	250	75
Offshore	No maximum	No Maximum

Upgrading of Category B and C Licenses to Category A

Category B and C licensees are eligible for upgrading to Category A should employment status change. This upgrading is conducted at licensing time only and not during mid-season. That is, should a Category B or C licensee loose his full time job during the lobster season, no change in status is initiated until licensing time for the following fishing season*(See below). Category C licenses may be upgraded only on a change of employment status as provided by the licensee to the local Fishery Officer prior to the closing date of the lobster season in the second year of the new lobster policy. That is, Category C licenses are valid only until the end of the second lobster season (ie., the Gulf districts - the summer of '79). If employment status has not changed by that date, the license ceases to be valid and is not renewable.

*In the event that a) a mistake was made by the Department, or b) an appeal was still being heard that results in the change of status from B or C to A, the upgrading may be conducted during the lobster season.

When a person holding a Category B or C operator's license is upgraded to Category A, he may fish the full compliment of traps but this new Category A license (termed A-1) is not transferrable.

When applying for an upgrading, the applicant must provide the local Fishery Officer with documentation to prove the loss of the full time job. Only cases when, based on the information submitted, the local officer is unable to render a decision, should the application be

forwarded to the Appeals Committee.

After the opening of the lobster season, there can be no down-grading from A to B or C. That is, once the season starts, a fisherman is either a fisherman or a moonlighter. Should a Category A fisherman take a full time job during the season, or following, he is removed from the fishery altogether, directly following the fishing season.

Transfer of Licenses

Only Category A licenses are transferrable. Transfers can only be actioned when the sale of the registered lobster fishing unit is included.

When applying for a transfer, both the fisherman leaving the fishery and the new applicant must be eligible for Category A licenses. This is determined by reviewing both the vendor's and the purchaser's occupational status as exists at the time of the application to transfer. The local officer must assure that this is indeed the case by (where necessary) requesting sufficient documentation to prove the employment status of each individual.

Office "paper" procedures associated with transfers remain the same as in the past.

WIDOWS HOLDING PRIVILEGES

In the event a licensed lobster fisherman died since being licensed for the last lobster season, and the privilege remains in the estate managed by the widow, the privilege, within one year, must be transferred to an individual who meets the criteria for a Category A license (ie., the same as for normal Category A to Category A transfers). This may be done only if the original fisherman qualified for a Category A license at the time of his death. If he held a full time job, the privilege is not transferrable under any

circumstances. The widow must dispose of the privilege during or before the lobster season following her husband's death. Her only alternative is to transfer the privilege to herself, at which time she would become eligible for an operator's license (provided she meets Category A eligibility guidelines).

INDIVIDUALS OWNING OWN COMPANIES

When an individual owns his own company, and fishes during the lobster season, he is still considered to have full time employment, as work at his company continues in his absence. These individuals are eligible only for Category B or C licenses as applicable.

NOTES REGARDING THE "ONE OPERATOR PER VESSEL" RULE

Sometime in the future, presumably 1980, all onus on the vessel as the "ticket of entry" to the fishery will vanish. That is, the individual holding the operator's license will be able to use any vessel in the fishery. Transfers will be based on the operator's license. Presumably, transfers of these licenses will be permitted only under well defined guidelines for eligibility. As such, by holding the number of operators to one per vessel until 1980, there will be no increase in the actual number of fishing units when the vessel is no longer considered as the ticket of entry to the fishery.

Holding one operator's license to each vessel is justified by noting ... "If an operator depends on the lobster fishery for his income (the general premise of the lobster policy) then there is no justifiable reason for him to have more than one operator on his vessel". That is, if he can't fish it throughout the lobster season, then he can't properly claim dependence on the lobster fishery.

COMPANY OWNED VESSELS

When a company (or individual) owns more than one vessel, the primary operator from the previous season is generally identified as the operator for this season. Should this operator leave the fishery, the company may hire a new operator (provided he is eligible for a Category A license) to operate that vessel. That is, that may maintain their "one operator per registered vessel". The original operator may not again fish that vessel in that season. He may work for another company, provided, of course, he is the only operator for the vessel.

PROCEDURES

Operator's Licenses

The category of license must clearly be shown on the Operator's license by printing "CATEGORY ..." as indicated in attached sample (Appendix "E").

Vessel Registration Certificate

The vessel registration certificate must show the operator of the vessel and the category of the Operator's license he holds. See attached sample (Appendix "E"). As well, enter in box marked "Class" - N/A. The completion of the rest of the form remains as in previous years.

FINAL WORD

This policy paper is designed to provide a basic interpretation of the policy to assure consistent enforcement throughout lobster fishing districts. The actual procedures for implementing the policy (including documentation requirements, methods of reporting to appeal boards, license record keeping, etc.) are to be designed within each particular district office so as to provide the most acceptable operational procedures for that district.

Canada

Canada

Fisheries and
Marine

Pêches et sciences
de la mer

Appendix B

Your file Votre référence

Our file Notre référence

5754-14

Dear Sir:

On November 9, 1976, Romeo LeBlanc, Minister of Fisheries and the Environment, introduced three categories of lobster fishing licences for the Maritime Provinces, which will be the basis for issuing lobster licences in 1977 and in subsequent years.

1) Category "A" Licences

This licence is reserved for the person who has no year-round employment outside the primary industry, nor any full-time seasonal job that coincides with a lobster fishing season. This licence entitles the holder to fish up to 100% of the authorized maximum number of lobster traps for his lobster fishing district.

It should be noted that special consideration will be given to those individuals holding full-time jobs that provide below average incomes.

2) Category "B" Licence

This licence is reserved for those persons who have year round employment or whose seasonal job coincides with a regular lobster fishing season and who were licenced in the lobster fishery earlier than 1968 and every year since. This licence entitles the holder to fish 30% of the authorized maximum number of lobster traps for his lobster fishing district as long as he remains in the fishery. This licence is normally not transferrable.

3) Category "C" Licence

This licence is reserved for those persons who have year round employment or whose seasonal job coincides with a regular lobster fishing season and who have acquired their lobster fishing licences anytime after 1968. It entitles the licensee to fish 30% of the

Authorized maximum number of traps for his lobster fishing district. The Category C licence will be renewable only until the end of 1978, at which time the fishing rights will terminate. The licence is NOT transferrable.

Any person not satisfied with the category to which he has been assigned should contact the undersigned no later than two months before the opening of the next fishing season in your lobster fishing district.

This is to advise that your fishing and employment records have been reviewed at this office and you have been allocated a

CATEGORY " "

Licence for 1977

Fishery Officer

5754-14

Monsieur,

Le 9 novembre 1976, M. Roméo LeBlanc, ministre des Pêches et de l'Environnement, a établi trois catégories de permis de pêche au homard pour les provinces maritimes; en 1977 et au cours des années qui suivront, on se basera sur ces catégories pour délivrer les permis de pêche au homard.

1) Permis de catégorie "A"

On réserve ce permis aux personnes qui ne sont pas employées toute l'année en dehors de l'industrie primaire ou qui n'occupent pas un emploi saisonnier à plein temps au moment d'une saison de pêche au homard. Le détenteur de ce permis a le droit de pêcher en utilisant jusqu'à 100 % du nombre maximum de casiers autorisé pour son district de pêche au homard.

Il est à noter que l'on examinera de façon spéciale les demandes provenant de personnes qui ont un emploi à plein temps mais qui en tirent un revenu inférieur à la moyenne.

2) Permis de catégorie "B"

On réserve ce permis aux personnes qui sont employées toute l'année ou qui occupent un emploi saisonnier au moment d'une saison régulière de pêche au homard, qui détenaient un permis de pêche au homard avant 1968 et qui en ont détenu un chaque année depuis. Le détenteur de ce permis a le droit de pêcher en utilisant 30 % du nombre maximum de casiers autorisé pour son district de pêche au homard, et ce, tant qu'il continue à pêcher. Ce permis ne peut habituellement pas être transféré.

3) Permis de catégorie "C"

On réserve ce permis aux personnes qui sont employées toute l'année ou qui occupent un emploi saisonnier au moment d'une saison régulière de pêche au homard et qui ont obtenu leur permis de pêche au homard à n'importe quel moment après 1968. Le détenteur de ce permis a le droit de pêcher en

- 2 -

utilisant 30 % du nombre maximum de casiers autorisé pour son district de pêche au homard. Le permis de la catégorie C n'est renouvelable que jusqu'à la fin de 1978, date à laquelle les droits de pêche prendront fin. Le permis NE peut être transféré.

Toute personne qui n'est pas satisfaite de la catégorie qu'on lui a attribuée doit communiquer avec le soussigné au plus tard deux mois avant l'ouverture de la prochaine saison de pêche dans son district de pêche au homard.

La présente a pour but de vous informer que l'on a étudié vos dossiers d'emploi et de pêche et que l'on vous a attribué un

Permis de CATÉGORIE " " pour 1977

L'agent des pêches,



Environment
Canada

Environnement
Canada

Fisheries and
Marine

Pêches et
Mer

Your file Votre référence

Our file Notre référence

NOTICE TO CATEGORY "C" LOBSTER LICENSE HOLDER

This is to advise you that you hold a Category C
Lobster Operator's License. This license permits you
to fish a maximum of traps.

This license will, upon application, (if not sooner
suspended or revoked) be renewed for 1978 lobster fishing
season only. Category C licenses are not renewable in
any year following 1978.

P.O. Box 550
Halifax, Nova Scotia

Case postale 550
Halifax, (Nouvelle-Écosse)

AVIS AU DÉTENTEUR D'UN PERMIS DE PÊCHE AU HOMARD DE CATÉGORIE "C"

La présente communication a pour but de vous informer que vous êtes détenteur d'un permis de pêche au homard de catégorie C. Ce permis vous donne droit de pêcher en utilisant un maximum de casiers.

Vous pourrez, sur demande, renouveler ce permis uniquement pour la saison de pêche au homard de 1978 (à la condition qu'il n'ait pas été suspendu ou annulé avant cette date). Les permis de la catégorie C ne sont pas renouvelables après 1978.



Environment Canada
Environnement Canada

STATUTORY DECLARATION

DÉCLARATION STATUTAIRE

In the matter of
A propos de Appel de la décision du service des...
Pêches et de la Mer au sujet de la catégorie de...
permis de pêche au homard à laquelle le déclarant a
droit pour la saison de pêche au homard de 1977...

Province of
Province de

To wit:
A Savoir:

I
Je of the of
de *de*

in the county of
dans le comté de in the Province of
dans la province de

Do solemnly Declare that
Déclare solennellement que mes dossiers d'emploi pour 1976 et 1977 jusqu'à ce jour sont les suivants :

EMPLOYEUR	GENRE DE TRAVAIL	DU	AU
EMPLOYEUR	GENRE DE TRAVAIL	DU	AU
EMPLOYEUR	GENRE DE TRAVAIL	DU	AU

et que mon revenu brut total, provenant de toutes les sources, est le suivant pour les douze
(12) mois précédant le présent appel :

EMPLOYEUR	REVENU BRUT
EMPLOYEUR	REVENU BRUT
EMPLOYEUR	REVENU BRUT
REVENU BRUT TOTAL	

et que l'emploi que j'occupe dans un domaine autre que l'agriculture, la pêche ou l'exploita-
tion forestière ne peut être considéré comme un emploi à plein temps en dehors de l'agriculture
ou de la pêche pour les raisons suivantes :

and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under
oath and by virtue of the Canada Evidence Act.

et je fais cette déclaration solennelle en toute bonne foi, persuadé qu'elle est véridique et sachant qu'elle a la même force et le même effet
qu'une déclaration faite sous serment et en conformité de la Loi sur la preuve au Canada.

Declared before me at
Déclaré devant moi à

in the county of
dans le comté de

and the Province of
et dans la province de

this
ce Day of
jour de AD. 19.

Signature of declarant - *Signature du déclarant*

A commissioner for Oaths, Notary Public, Justice of the Peace in and for the
commissaire aux serments, notaire public, juge de paix dans et pour la

Province of
province de

My commission expires
dont la charge expirera le 19.

Appendix D



Environment Canada Environnement Canada

STATUTORY DECLARATION

DÉCLARATION STATUTAIRE

In the matter of Appeal of the Ruling of the Fisheries
A propos de
Province of and Marine Service concerning the category of
Province de lobster license which the Declarant is eligible
to hold in the Lobster Fishery in 1977.
To wit:
A Savoir:

I of the of
Je de de
in the county of in the Province of
dans le comté de dans la province de

Do solemnly Declare that my record of employment in 1976 and to this date in 1977 was as follows:
Déclare solennellement que
EMPLOYERTYPE OF WORKPERIOD FROMTO.
EMPLOYERTYPE OF WORKPERIOD FROMTO.
EMPLOYERTYPE OF WORKPERIOD FROMTO.
and that my total gross income from all sources in the 12 months preceding this appeal was
as follows:
EMPLOYERGROSS EARNINGS
EMPLOYERGROSS EARNINGS
EMPLOYERGROSS EARNINGS
TOTAL GROSS EARNINGS

and that my non-farming, fishing or logging employment cannot be considered full time employment
outside farming or the fisheries because

and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under
oath and by virtue of the Canada Evidence Act.

et je fais cette déclaration solennelle en toute bonne foi, persuadé qu'elle est véridique et sachant qu'elle a la même force et le même effet
qu'une déclaration faite sous serment et en conformité de la Loi sur la preuve au Canada.

Declared before me at
Déclaré devant moi à
in the county of
dans le comté de
and the Province of
et dans la province de
this Day of AD. 19
ce jour de
Signature of declarant -- Signature du déclarant
A commissioner for Oaths, Notary Public, Justice of the Peace in and for the
commissaire aux serments, notaire public, juge de paix dans et pour la
Province of
province de
My commission expires 19
dont la charge expirera le

Appendix E



Environment Canada
Fisheries and Marine

Environnement Canada
Pêches et Mer

22576

LOBSTER FISHING LICENCE 1975/76 PERMIS DE PÊCHE AU HOMARD

CATEGORY "A"

FEE/DROIT Operator/Opérateur ☐ \$2.00 Helper/Aide ☐ \$1.00

PROVINCE OF DE	NUMBER OF TRAPS TO BE FISHED NOMBRE DE CASIERS À MOUILLER
THE HEREIN NAMED/LE DÉNOMMÉ	
RESIDENT OF/DOMICILIÉ À	COUNTY OF/COMTE DE

IS HEREBY LICENCED TO ENGAGE IN LOBSTER FISHING, BOTH WITHIN AND OUTSIDE THE TERRITORIAL WATERS ON AND ADJACENT TO THAT PORTION OF THE ATLANTIC COAST OF CANADA KNOWN AS LOBSTER

EST AUTORISÉ À PRATIQUER LA PÊCHE AU HOMARD EN DEDANS ET EN DEHORS DES EAUX TERRITORIALES PROPRES ET CONTIGUËS À LA PARTIE DE LA CÔTE ATLANTIQUE DU CANADA DÉLIMITÉE AU RÈGLEMENT RELATIF À LA PÊCHE DU HOMARD ET CONNUE SOUS LA DÉSI-

FISHING DISTRICT NO. AS DEFINED IN THE LOBSTER FISHERY REGULATIONS, BUT IN NO OTHER AREA DURING THE LEGAL FISHING SEASON.

GNATION D'ARRONDISSEMENT NO. MAIS EN AUCUNE AUTRE ZONE PENDANT LA CAMPAGNE LICITE DE PÊCHE.

This licence is issued under the authority of the Fisheries Act and is not transferable.
MINISTER OF STATE - FISHERIES

Le présent permis est délivré en vertu de la loi sur les pêcheries et est strictement personnel.
MINISTRE D'ÉTAT - PÊCHES

COUNTERSIGNED AT/CONTRESIGNÉ À	DATE	FISHERY OFFICER/AGENT DES PÊCHES
--------------------------------	------	----------------------------------

FOR LICENCEE/Au titulaire

F-703 (Rev. 11/74)



Environment Canada
Fisheries and Marine

Environnement Canada
Pêches et Mer

LOBSTER FISHING CERTIFICAT D'ENREGISTREMENT
VESSEL CERTIFICATE BATEAU DE PÊCHE DE HOMARD

46051

OPERATORS NAME.

CATEGORY " "

NAME OF VESSEL / Nom du bateau		O.A.L. / Long. h.t.	PLATE & VALIDATION TAB NO.	CLASS N/A.
NAME OF OWNER / Nom du propriétaire		LOBSTER DISTRICT NO. Arrondissement n°		
TRAP TAGS ISSUED - ÉTIQUETTES DE CASIERS		OPEN SEASON - OUVERTURE		
FROM / De	TO / À	TOTAL	FROM / Du	TO / Au
SIGNATURE OF LICENCEE / Signature du titulaire			FEE Droit \$	
ISSUED AT / Délivré à		DATE	ISSUING OFFICER / Agent émetteur	

081-6-5930 (06/75) F6-5930

LICENCEE / Titulaire

March 22, 1977

P.A. Comeau
Director
Field Services Branch

5754-14-9

All Area Managers

All District Protection Officers

LOBSTER LICENSING POLICY

The following minor amendments are noted in the Lobster Policy and Operating Guidelines for Fishery Officers as issued from this office on February 23.

- 1) The last sentence in the second paragraph on page 4 is altered to read as follows: If both operators are eligible for B licenses only, the partnership may continue to stand with the maximum number of traps set at 150% of the normal B category trap limit.
- 2) The portion in brackets in the last sentence of paragraph one on page 10 is altered to read: (i.e., the Gulf districts - the summer of '78)
- 3) The second paragraph in the section "Transfer of Licenses" on page 11 is altered by adding the following sentence thereto: It is noted that transfers of valid Category A licenses are permitted only within the lobster district and province where the lobster license has originally been issued.
- 4) The first paragraph on page 11 is amended by adding the following sentence thereto: Should a fishery officer receive information to the effect that a Category A lobster fisherman in his area has taken a full time job outside the primary industry, the fishery officer should immediately, upon receiving such information, notify the lobster fisherman by registered mail to the effect that as he has taken a full time job, his lobster license will not be renewable for the following season.

Please assure that all officers holding these guidelines receive copies of this memorandum. It is suggested that this amendment sheet be attached directly to the Lobster Policy and Operating Guidelines and that the applicable marginal notation to be made in each copy. Further details with respect to any amendments to this policy will be announced in the above format.

Orig. Signed by
Orig. Signé par
P. A. COMEAU
P. A. COMEAU

MRS/jmw cc: M.C. Cormier, D.A. MacLean, R.S. Collie, H.B. Scarth

*Bohett NB
3 MAR 1977
llc*

LOBSTER POLICY
AND
OPERATING GUIDELINES
FOR FISHERIES OFFICERS

INTERNAL DOCUMENT
FEBRUARY 23, 1977
HALIFAX, N.S.

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OPERATING GUIDELINES FOR FISHERY OFFICERS

EFFECTIVE FEBRUARY, 1977

HISTORICAL OUTLINE

The Lobster Fishery Task Force was commissioned by the Minister to study all aspects of the fishery - biological, sociological and economic and from the review, determine the ills within the fishery, and finally, to provide recommendations aimed at improving "the lot" of the participants in the fishery.

In the report of the Lobster Task Force, it was reported that, based on earnings from the fishery, there were too many participants. Noting that the natural abundance of the resource is limited and that it is a "common resource" which must be harvested for its best use to society, the Task Force recommended a number of programs to reduce the number of licenses in order to assure a reasonable income for those remaining in the fishery.

The Minister accepted the recommendation to reduce the number of participants through the elimination of those individuals not fully dependent on fishing for their incomes. This was reflected in the first "moonlighter" policy of December, 1975.

As you are aware, strenuous objections to certain factors associated with that policy including, primarily, the short period of advanced warning and the inability to process appeals resulted in the Ministerial decision to postpone implementation.

On November 8, 1976, the remodelled policy was introduced. This policy was designed to achieve the original objectives, but at the same time, to provide a phase-out of "moonlighters".

Letters to category 1st week or 4.

... on November 3, 1975. The policy
... of much review and discussion with respect
its interpretation and implementation. This info
package summarizes the interpretations of the policy,
the form of operational guidelines for the Fishery
to follow during the implementation of the policy. This
paper replaces all policy guidelines issued in the past.

PROCEDURES

1. Categorization of Primary Operators-Policy (soon to be
released in regulation form). See detailed notes following.

- 1) Operator's licenses may be issued only to
 - a Canadian citizen
 - a landed immigrant in his first five years of residence
 - a person operating a boat in the lobster fishery
in the previous season as the principal operator
unless admitted as a new entrant.

2.10) Operators licenses are issued in three categories.

2.11) A Category A license is issued only to the
main operator of a lobster fishing vessel
registered in 1968 or that which replaces
such vessel.

2.12) who is not "fully employed"* outside of "primary
industry employment"* or who does not have
"full time seasonal employment" or

2.13) who may be fully employed outside of "primary
industry employment"* or who has "full time
seasonal employment"* but can substantiate
that his gross annual earnings did not exceed
the Government of Canada minimum wage scale
for that area plus 25% computed for the 12
month period preceding the date of his
application for a license.

*Defined below.

s.19(1)

OK
*"Fully employed" means employed or self-employed
on an annually recurring basis for a full twelve
months including any leave, vacation or time off
for which the employee received remuneration.

OK
*"Primary industry employment" means self-employment
in farming, fishing or logging.

OK
*"Full time seasonal employment" means employed or
self-employed on an annually recurring basis, a
minimum of thirty-five hours per week in employment
that is totally concurrent with the open lobster
fishing season for the district in which the employee
resides.

2.20) A Category B license is issued only to a person

OK
2.21) who was licensed as the main operator
in the lobster fishery the previous year
and had an operator's license in every
year since 1968 and

OK
2.22) who does not meet the qualifications set
out for a Category A license as defined
in 2.11, 2.12, and 2.13 (above).

2.30) A Category C license may only be issued to a person

2.31) who was licensed as an operator in the
lobster fishery since 1968 and

OK
2.32) who does not meet the requirements set
out for Category A and B licenses as
defined in 2.10 and 2.20 above.

INTERPRETATION

Eligibility

Only one operator's license may be issued for each
registered lobster fishing unit - ie., to the "primary"
operator. "Helper" operators are not to be relicensed
in 1977. In the event that a dispute arises as to whom
is the "primary" operator, the owner of the vessel
(ie., the individual appearing on the Lobster Vessel
Registration Certificate) shall determine the "primary"

-4-

operator. NOTE: In the event of sickness or injury to a primary operator, the local Fishery Officer may, at his discretion, issue a "Temporary Permit" authorizing another individual to operate that vessel. The permit, to be prepared on Departmental letterhead, must specify the exact period of validity based on the nature of the illness or injury but may be renewed if necessary. Care must be taken not to issue temporary permits without proof of the sickness or injury.

Official Partnerships

When both partners are eligible for Category A licenses, either each partner will be issued a Category A license or they will be offered the option to split the partnership with each partner obtaining a new vessel registration. If one partner is eligible only for a Category B license, the partnership must be fully dissolved, with each partner being offered an operator's license of his applicable category. If both operators are eligible for B licenses-only, the partnership may continue to stand with the maximum number of traps set at 150% of Two Category B partners may be split, and each partner offered a vessel registration and a Category B operator's license. Naturally, no new partnerships are permitted.

CATEGORIZATION

Each officer should, by now, have reviewed his records and have tentatively classified every primary operator as either A, B, or C (defined above).

When categorizing primary operators, it is stressed that this is an ongoing process and all operators are subject to ongoing review with respect to their licensing status. The procedures associated with determining employment status are unchanged from the previous exercise. Indeed, the work done in 1976 should be the Officers' major

source of information. Officers should confer with other members of departmental staff to assure the most up-to-date knowledge of occupation status.

✓ The process of categorization will be reviewed annually - FOUR ^{with appeals} two months before the start of the next fishing season, based on the occupation status of each operator during the preceding 12 month period. *See 5474-14 APR 1979*

CATEGORY A

Category A operator licenses are reserved for persons who depend on the lobster fishery and who have no year round employment nor any full time seasonal job that coincides with the lobster season for that district. Note that full time employment is based on 7 hours/day and 35 hours/week.

As Category A licenses are issued only to persons without full time jobs, care must be taken to place only such individuals in this category. Should the occupation status of an individual not be clear after a detailed review (ie., some information may indicate full time employment) it is best to place the individual in a Category B or C position, and then place the onus on him to support his claim for an A license (see Appeals Procedures below).

Downgrading NOT PERMITTED.

THE MINIMUM WAGE EXCEPTION (2.13 on page 2)

Interpretation:

The Minister has acknowledged that although a person may have full time employment, the income from that employment may be low enough to indicate a true dependence on the lobster fishery.

*See April 19, 1979
5754-14
Guidelines
Amended*

Thus, a Category A license may be issued to individuals with full time jobs when their total gross income from all sources* does not exceed the minimum wage for the area plus 25%. This is based on the 12 months

* EXCEPT PRIMARY FISHING ACTIVITY

-6-

prior to the date of his application for a license
(ie., at the time of licensing for the lobster
fishery).

When categorizing, a Fishery Officer should only
elevate a man from B or C to A status when he is
certain, through information available to him, that
the individual did not make more than the formula
allows. If the officer is not completely certain, the
individual must be categorized as B or C. As noted
below, the individual will be able to provide
documentation for review by the officer to substantiate
a claim for the minimum wage exception.

CATEGORY B

The Minister has provided this category of license
to be issued to persons with full time jobs but with a
long historical attachment to the fishery. These
individuals, although required to fish at a reduced
level of activity, may remain in the fishery for as long
as they choose. Transfers of vessels operated by Category
B licensees are not permitted.

The Category B license is to be issued only to those
persons with full time jobs who have been licensed as an
operator in the fishery every year since and including
1968 and who are main operators. In the event an
operator's license was not obtained in one year through
an official recess, the historical attachment is preserved.
The judgement between Category B and C is based on the
licensing records of the local officer.

CATEGORY C

This license is reserved for those persons who hold
full time jobs but became licensed operators since 1968
and are primary operators. The license may be issued
for two seasons only, following which it "disappears".

When issuing Category C operator's licenses, a covering note to the fisherman regarding the nature of his license (see Appendix C) must be stapled directly to his certificate. (This does not apply where licenses have already been issued under the program, ie., District 4.)

INFORMING FISHERMEN OF THEIR LICENSING STATUS

It is necessary (except in Lobster District 4 within Protection District 3 and 4) to inform each fisherman who is eligible for a Category B or C license of his licensing status. This is to be accomplished using the form letter included as Appendix "B" of this package. District Protection Officers are responsible for providing a supply of these form letters to the local officer. This must be done as soon as form letters reach you from your supervisor. It is the Fishery Officer who is responsible for this task.

THE APPEAL PROCESS

1st Level - The Fishery Officer

As noted in the form letter to fishermen, the Fishery Officer is the first step for the fisherman to appeal the category in which he has been placed. This step is initiated to reduce the workload of the District Appeals Committee by ruling out unnecessary appeals. The fishermen are required to present appeals well in advance of the start of the season in order that the appeals may be settled before the season begins.

Appeals based on "period of employment" (occupation status) as presented to the Fishery Officer on the enclosed Statutory Declaration (Appendix "D") are to be ruled on in light of:

- a) what information the Fishery Officer has at his immediate disposal

s.19(1)

- b) information supplied by the appellant to substantiate his claim that he was not fully employed during the 12 month period prior to the appeal and
- c) confirmation of the foregoing through alternate sources.

Note that the fisherman must supply documentation in such form as required by the local Fishery Officer, so as to convince the local officer that indeed the appellant did not have full time employment during the defined period. This documentation may include UIC reports, statements from employers, etc.

If the appellant is unable to convince the Fishery Officer that he was not fully employed in the period through documentation the officer maintains his original categorization and informs the fisherman that if he wishes to pursue the matter further, his appeal will be forwarded to the next level of appeal. At this point, the Appeal Declaration with all supporting documentation is forwarded to the Chairman of the Appeals Committee.

Appeals based on the minimum wage exception as made to the Fishery Officer should contain complete documentation of all sources of income. The local officer must take every precaution to assure that the documentation includes all income from all sources - including pensions, secondary jobs, etc. Once again, should the officer fail to be convinced that the appellant made less than the prescribed amount in the period, then his original ruling stands, and, if requested by the appellant, the entire package is passed to the Appeals Committee.

Should a fisherman appeal for a change from C to B, and the local records do not substantiate the claim of continuous participation since and including 1968, the original decision will not be reconsidered unless

~~sufficient documentation indicates that the~~
officer's records are in error. A detailed review
is then required.

The Second Level Of Appeal - The Appeals Committee

In the event that the local officer, under the guidelines above, is unable to resolve an appeal based on the foregoing, the appeal is passed to the District Appeals Committee.

This Committee, comprised of 2 or 3 fishermen, an independent individual and the Chairman, usually the local District Protection Officer, will provide a decision to the appellant. If a negative decision, the option to the third level is explained.

The Third Level of Appeal - The Minister

The first and second levels of appeal can rule only (based on the information provided) in light of the defined policy. Only the Minister may rule in light of the "human factor" or related extenuating factors.

NOTES ON LICENSE CATEGORIES

Level of Participation

Once having been categorized and licensed, the fisherman may fish (from the vessel of which he is the main operator) the applicable number of traps as summarized below.

<u>District</u>	<u>No. of Traps (A)</u>	<u>No. of Traps (B & C)</u>
1	375	113
3	300	90
4 West	375	113
4 East	250	75
5	250	75
6A	250	75
6B	275	83
7A	275	83
7B	300	90

District	No. of Traps (B & C)	No. of Traps (A)
7B1	300	90
7C	375	113
8	250	75
Offshore	No maximum	No Maximum

Upgrading of Category B and C Licenses to Category A

Category B and C licensees are eligible for upgrading to Category A should employment status change. This upgrading is conducted at licensing time only and not during mid-season. That is, should a Category B or C licensee lose his full time job during the lobster season, no change in status is initiated until licensing time for the following fishing season* (See below).

Category C licenses may be upgraded only on a change of employment status as provided by the licensee to the local Fishery Officer prior to the closing date of the lobster season in the second year of the new lobster policy. That is, Category C licenses are valid only until the end of the second lobster season (ie., the Gulf districts - the summer of 1991). If employment status has not changed by that date, the license ceases to be valid and is not renewable.

*In the event that a) a mistake was made by the Department, or b) an appeal was still being heard that results in the change of status from B or C to A, the upgrading may be conducted during the lobster season.

When a person holding a Category B or C operator's license is upgraded to Category A, he may fish the full complement of traps but this new Category A license (termed A-1) is not transferrable.

When applying for an upgrading, the applicant must provide the local Fishery Officer with documentation to prove the loss of the full time job. Only cases when, based on the information submitted, the local officer is unable to render a decision, should the application be

forwarded to the Appeals Committee.

After the opening of the lobster season, there can be no down-grading from A to B or C. That is, once the season starts, a fisherman is either a fisherman or a moonlighter. Should a Category A fisherman take a full time job during the season, or following, he is removed from the fishery altogether, directly following the fishing season.

Transfer of Licenses

Only Category A licenses are transferrable. Transfers can only be actioned when the sale of the registered lobster fishing unit is included.

When applying for a transfer, both the fisherman leaving the fishery and the new applicant must be eligible for Category A licenses. This is determined by reviewing both the vendor's and the purchaser's occupational status as exists at the time of the application to transfer. The local officer must assure that this is indeed the case by (where necessary) requesting sufficient documentation to prove the employment status of each individual.

Office "paper" procedures associated with transfers remain the same as in the past.

WIDOWS HOLDING PRIVILEGES

In the event a licensed lobster fisherman died since being licensed for the last lobster season, and the privilege remains in the estate managed by the widow, the privilege, within one year, must be transferred to an individual who meets the criteria for a Category A license (ie., the same as for normal Category A to Category A transfers). This may be done only if the original fisherman qualified for a Category A license at the time of his death. If he held a full time job, the privilege is not transferrable under any

circumstances. The widow must dispose of the privilege during or before the lobster season following her husband's death. Her only alternative is to transfer the privilege to herself, at which time she would become eligible for an operator's license (provided she meets Category A eligibility guidelines).

INDIVIDUALS OWNING OWN COMPANIES

important
When an individual owns his own company, and fishes during the lobster season, he is still considered to have full time employment, as work at his company continues in his absence. These individuals are eligible only for Category B or C licenses as applicable.

NOTES REGARDING THE "ONE OPERATOR PER VESSEL" RULE

Sometime in the future, presumably 1980, all onus on the vessel as the "ticket of entry" to the fishery will vanish. That is, the individual holding the operator's license will be able to use any vessel in the fishery. Transfers will be based on the operator's license. Presumably, transfers of these licenses will be permitted only under well defined guidelines for eligibility. As such, by holding the number of operators to one per vessel until 1980, there will be no increase in the actual number of fishing units when the vessel is no longer considered as the ticket of entry to the fishery.

Holding one operator's license to each vessel is justified by noting ... "If an operator depends on the lobster fishery for his income (the general premise of the lobster policy) then there is no justifiable reason for him to have more than one operator on his vessel". That is, if he can't fish it throughout the lobster season, then he can't properly claim dependence on the lobster fishery.

COMPANY OWNED VESSELS

13

When a company (or individual) owns more than one vessel, the primary operator from the previous season is generally identified as the operator for this season. Should this operator leave the fishery, the company may hire a new operator (provided he is eligible for a Category A license) to operate that vessel. That is, that may maintain their "one operator per registered vessel". The original operator may not again fish that vessel in that season. He may work for another company, provided, of course, he is the only operator for the vessel.

PROCEDURES

Operator's Licenses

The category of license must clearly be shown on the Operator's license by printing "CATEGORY ..." as indicated in attached sample (Appendix "E").

ON COUNTER

Vessel Registration Certificate

important

The vessel registration certificate must show the operator of the vessel and the category of the Operator's license he holds. See attached sample. (Appendix "E"). As well, enter in box marked "Class" - N/A. The completion of the rest of the form remains as in previous years.

FINAL WORD

This policy paper is designed to provide a basic interpretation of the policy to assure consistent enforcement throughout lobster fishing districts. The actual procedures for implementing the policy (including documentation requirements, methods of reporting to appeal boards, license record keeping, etc.) are to be designed within each particular district office so as to provide the most acceptable operational procedures for that district.

Appendix A

FOR IMMEDIATE RELEASE

MOONLIGHTERS TO BE PHASED OUT OF MARITIMES LOBSTER FISHERY

Fisheries and Environment Minister Roméo LeBlanc today announced the establishment of three categories of lobster licence for the Maritime provinces. The licence changes are design to fit different situations, to take account of historical attachment to the fishery, and to prevent cases of undue hardship through loss of licence.

The establishment of new licence categories follows consultations over the past several months with lobster fishermen and representatives of fishermen's groups. Consultations included a letter last summer to Maritimes lobster fishermen asking their views on licensing. Fifty per cent of the licence-holders responded. Of these, 70 per cent supported the policy of giving priority access to lobster stocks to those persons most dependent on fishing.

Category A - full licence: This licence is normally reserved for the person who depends on the lobster fishery, and who has no year-round employment nor any full-time seasonal job that coincides with the lobster season. With approval by the Fisheries

/2

This information was released to the wire services on the date indicated. Despite the delay, some releases and speeches are mailed to out-of-town media because the content is not time-dependent or because it will be useful for background files.

Cette information a été transmise aux agences de presse à la date indiquée. Malgré le retard, certains communiqués et discours sont expédiés aux médias de l'extérieur, parce que leur contenu n'a rien à voir avec les délais ou parce qu'ils peuvent servir comme documentation.

2.

and Marine Service, the holder of an A licence can under specific conditions transfer it to another person.

Category B - limited licence: Although the holder of this licence has regular employment elsewhere, he has a claim to participate in the lobster fishery through historical attachment. Persons who have fished lobster from 1968 or earlier may qualify for this licence. (1968 was the year when limited access was first established in this fishery.) The B-licence holder may fish 30 per cent of the maximum number of traps allowed in his Lobster District (for example, if the regular trap limit is 300, the B-licence holder may fish 90 traps). Normally, a B-licence remains restricted to the licensee alone and expires when he leaves the fishery.

Category C - temporary licence: With full employment elsewhere, with only a short history in this fishery, and with no real dependence on the lobster fishery, persons in this category have no claim to continue holding a licence. To allow some transition time, for example to sell off boats and traps, these licence-holders will be allowed limited fishing privileges (as for B-licence holders) for up to two years. There will be no transfer of C-licenses allowed.

The screening process of those who have formerly held lobster licences will continue over the coming months. Where the status of a licence is questioned, the licence-holder may appeal to local boards (made up of fishermen and Fisheries and Marine Service officials) and then, if not satisfied, to the

.../3

3.

Minister of Fisheries and Environment. In determining access to licences, the appeal boards may take into account cases of undue financial hardship or of the desire to transfer a licence within a family. The licence-holder should put forward his appeal no later than two months before the opening of the next season in his Lobster District. For example, where the season opens May 1st, the licence-holder should appeal by March 1st. (In Districts 1 and 4, where the season opens later this year, appeals are now being considered.)

"If those who have had their trap limit reduced violate the restriction, they could find their licence suspended or cancelled immediately," Mr. LeBlanc said. "Penalties of similar severity will apply to any others who poach lobsters. This includes other fishermen, for example some dragger operators who retain lobsters caught by accident and sell them."

About 15,000 persons now take part in the Maritimes' lobster fishery, which is divided by regulations into several districts. Lobster landings in the Maritimes were worth about \$41 million in 1975, the highest value for any species.

- 30 -

92/11/9/76
Joseph Gough
Information Branch
Fisheries and Marine Service
Department of Fisheries and Environment
Ottawa, Ontario (K1A 0H3)
613/995-2041

Fisheries and
Marine

Pêches et sciences
de la mer

Appendix B

Your file Votre référence

Our file Notre référence

5754-14

Dear Sir:

On November 9, 1976, Romeo LeBlanc, Minister of Fisheries and the Environment, introduced three categories of lobster fishing licences for the Maritime Provinces, which will be the basis for issuing lobster licences in 1977 and in subsequent years.

1) Category "A" Licences

This licence is reserved for the person who has no year-round employment outside the primary industry, nor any full-time seasonal job that coincides with a lobster fishing season. This licence entitles the holder to fish up to 100% of the authorized maximum number of lobster traps for his lobster fishing district.

It should be noted that special consideration will be given to those individuals holding full-time jobs that provide below average incomes.

2) Category "B" Licence

This licence is reserved for those persons who have year round employment or whose seasonal job coincides with a regular lobster fishing season and who were licenced in the lobster fishery earlier than 1968 and every year since. This licence entitles the holder to fish 30% of the authorized maximum number of lobster traps for his lobster fishing district as long as he remains in the fishery. This licence is normally not transferrable.

3) Category "C" Licence

This licence is reserved for those persons who have year round employment or whose seasonal job coincides with a regular lobster fishing season and who have acquired their lobster fishing licences anytime after 1968. It entitles the licensee to fish 30% of the

Authorized maximum number of traps for his lobster fishing district. The Category C licence will be renewable only until the end of 1978, at which time the fishing rights will terminate. The licence is NOT transferrable.

Any person not satisfied with the category to which he has been assigned should contact the undersigned no later than two months before the opening of the next fishing season in your lobster fishing district.

This is to advise that your fishing and employment records have been reviewed at this office, and you have been allocated a

CATEGORY " "

Licence for 1977.

Fishery Officer

5754-14

Monsieur,

Le 9 novembre 1976, M. Roméo LeBlanc, ministre des Pêches et de l'Environnement, a établi trois catégories de permis de pêche au homard pour les provinces maritimes; en 1977 et au cours des années qui suivront, on se basera sur ces catégories pour délivrer les permis de pêche au homard.

1) Permis de catégorie "A"

On réserve ce permis aux personnes qui ne sont pas employées toute l'année en dehors de l'industrie primaire ou qui n'occupent pas un emploi saisonnier à plein temps au moment d'une saison de pêche au homard. Le détenteur de ce permis a le droit de pêcher en utilisant jusqu'à 100 % du nombre maximum de casiers autorisé pour son district de pêche au homard.

Il est à noter que l'on examinera de façon spéciale les demandes provenant de personnes qui ont un emploi à plein temps mais qui en tirent un revenu inférieur à la moyenne.

2) Permis de catégorie "B"

On réserve ce permis aux personnes qui sont employées toute l'année ou qui occupent un emploi saisonnier au moment d'une saison régulière de pêche au homard, qui détenaient un permis de pêche au homard avant 1968 et qui en ont détenu un chaque année depuis. Le détenteur de ce permis a le droit de pêcher en utilisant 30 % du nombre maximum de casiers autorisé pour son district de pêche au homard, et ce, tant qu'il continue à pêcher. Ce permis ne peut habituellement pas être transféré.

3) Permis de catégorie "C"

On réserve ce permis aux personnes qui sont employées toute l'année ou qui occupent un emploi saisonnier au moment d'une saison régulière de pêche au homard et qui ont obtenu leur permis de pêche au homard à n'importe quel moment après 1968. Le détenteur de ce permis a le droit de pêcher en

- 2 -

utilisant 30 % du nombre maximum de casiers autorisé pour son district de pêche au homard. Le permis de la catégorie C n'est renouvelable que jusqu'à la fin de 1978, date à laquelle les droits de pêche prendront fin. Le permis NE peut être transféré.

Toute personne qui n'est pas satisfaite de la catégorie qu'on lui a attribuée doit communiquer avec le soussigné au plus tard deux mois avant l'ouverture de la prochaine saison de pêche dans son district de pêche au homard.

La présente a pour but de vous informer que l'on a étudié vos dossiers d'emploi et de pêche et que l'on vous a attribué un

Permis de CATÉGORIE " " pour 1977

L'agent des pêches,

MEMORANDUM NOTE DE SERVICE

DATE March 22, 1977

FROM: P.A. Comeau
DE: Director
Field Services Branch

5754-14-9

247

TO: All Area Managers
A: All District Protection Officers

5600-1-1

SUBJECT: LOBSTER LICENSING POLICY
SUJET:

The following minor amendments are noted in the Lobster Policy and Operating Guidelines for Fishery Officers as issued from this office on February 23.

1) The last sentence in the second paragraph on page 4 is altered to read as follows: If both operators are eligible for B licenses only, the partnership may continue to stand with the maximum number of traps set at 150% of the normal B category trap limit.

2) The portion in brackets in the last sentence of paragraph one on page 10 is altered to read: (ie., the Gulf districts - the summer of '78)

3) The second paragraph in the section "Transfer of Licenses" on page 11 is altered by adding the following sentence thereto: It is noted that transfers of valid Category A licenses are permitted only within the lobster district and province where the lobster license has originally been issued.

4) The first paragraph on page 11 is amended by adding the following sentence thereto: Should a fishery officer receive information to the effect that a Category A lobster fisherman in his area has taken a full time job outside the primary industry, the fishery officer should immediately, upon receiving such information, notify the lobster fisherman by registered mail to the effect that as he has taken a full time job, his lobster license will not be renewable for the following season.

Please assure that all officers holding these guidelines receive copies of this memorandum. It is suggested that this amendment sheet be attached directly to the Lobster Policy and Operating Guidelines and that the applicable marginal notation to be made in each copy. Further details with respect to any amendments to this policy will be announced in the above format.

P.A. Comeau

000090

MEMORANDUM NOTE DE SERVICE

DATE June 7, 1977

FROM: P.A. Comeau,
DE: Director,
Field Services Branch,
Maritime Region

TO: ALL AREA MANAGERS

SUBJECT: Lobster Licensing Policy
SUJET: -----

5754-14-9

Your file Votre référence

At a meeting in Ottawa on June 3, 1977, the Minister provided concurrence with the Regional interpretation regarding upgrading and downgrading of lobster licenses. This interpretation, concerning upgrading, is summarized as follows:

"If a Category "B" or "C" licensee ceases full-time employment in the future (in the case of Category "C" - within 2 years) then his privilege may be upgraded in the following year to Category "A"."

The related procedures are found on Page 10 of the "Lobster Policy and Operating Guidelines".

A further refinement on upgraded licenses (referred to in the Guidelines as 'A-1') has been provided by the Minister and is summarized in the following amendment to the Lobster Policy and Operating Guidelines.

Paragraph 4 on Page 10 of the Guidelines is amended by deleting the last line and submitting therefore:

"(Termed A-1) is not transferrable until the licensee has engaged as a bona fide fisherman in the lobster fishery for at least 2 years. If this condition is fulfilled, the Category A-1 license becomes a normal Category "A" license and is transferrable."

The Minister also concurred with the Regional interpretation that there is to be no downgrading of lobster licenses. That is to say, should an individual holding a Category "A" license take a full-time job or should further information come to the Fishery Officer to the effect that

...../2

5754-14-9

- 2 -

June 7, 1977

the original "A" Categorization was incorrect, the lobster license of that individual will not be renewed in the following year. (The first paragraph on Page 11 of the Policy applies). The Minister also established a new prerequisite for the entry of new participants to the lobster fishery. This requirement is summarized in the following amendment:

Paragraph 2 in the section on "Transfers of Licenses" on Page 11 of the Guidelines is amended by adding thereto:

"All new entrants into the lobster fishery should have lobster fishing experience as a helper of at least two seasons. This is a guideline only and periods of lesser lengths of participation in the lobster fishery or of fishing activity in other fisheries may be considered as sufficient participation in the fisheries to permit the transfer. It will be the discretion of the District Protection Officer as Chairman of the Appeal's Committee whether or not transfers under these latter conditions are permitted."

Please assure that all officers are advised of the above mentioned amendments to the "Lobster Policy and Operating Guidelines". For further information or elaboration, please do not hesitate to contact this office or Mr. Scarth.

P.A. Comeau
P.A. Comeau

MEMORANDUM NOTE DE SERVICE

FROM: P.A. Comeau,
DB: Director,
Field Services Branch,
Maritimes Region

TO: A/District Protection Officer,
A: Newcastle, N.B.

SUBJECT: Lobster Policy
SUJET: -----

DATE June 10, 1977

Our file Notre référence

5754-14-9

Your file Votre référence

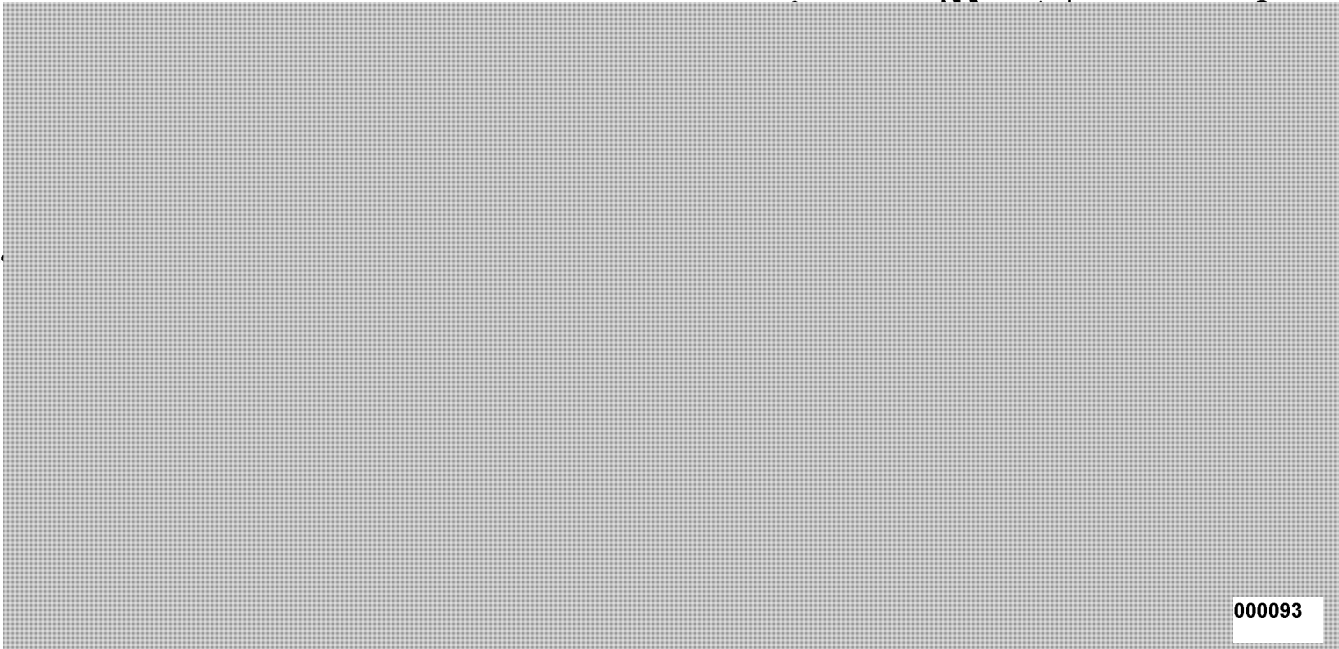
I refer to my telex of March 29th concerning the freeze
on upgrading of old Class "B" licenses.

This telex referred to old Class "B" licenses which were
issued in the 1976 season (several districts were unable to complete
the removal of "moonlighters" in time in 1976).

In District 7C, the old Class "B" licensees were designated
as either fishermen or "moonlighters" before the 1976 season. Those
eligible for "full" licenses in 1976 (i.e., not designated moonlighters)
operated under the understanding that they were allowed to fish the
full complement of gear. Indeed, I understand most of them did build
up their number of traps.

It is felt that these 15-17 individuals should be granted
new Category "A" licenses based on their current occupational status
and their commitment to the fishery in 1976.

You are, therefore, advised to re-review all old Class "B"
licensees to determine which are now eligible for Category "A" licenses.



MEMORANDUM

DATE June 7, 1977

FROM: P.A. Comeau,
Director,
DE: Field Services Branch,
Maritime Region

TO: ALL AREA MANAGERS

SUBJECT: Lobster Licensing Policy
SUBJECT: -----

DATE: 1977-06-07

5754-14-9

DATE: 1977-06-07

*to Remy
of Atlantic*

At a meeting in Ottawa on June 3, 1977, the Minister provided concurrence with the Regional interpretation regarding upgrading and downgrading of lobster licenses. This interpretation, concerning upgrading, is summarized as follows:

"If a Category "B" or "C" licensee ceases full-time employment in the future (in the case of Category "C" - within 2 years) then his privilege may be upgraded in the following year to Category "A"."

The related procedures are found on Page 10 of the "Lobster Policy and Operating Guidelines".

A further refinement on upgraded licenses (referred to in the Guidelines as 'A-1') has been provided by the Minister and is summarized in the following amendment to the Lobster Policy and Operating Guidelines.

Paragraph 4 on Page 10 of the Guidelines is amended by deleting the last line and submitting therefore:

Remy

"(Termed A-1) is not transferrable until the licensee has engaged as a bona fide fisherman in the lobster fishery for at least 2 years. If this condition is fulfilled, the Category A-1 license becomes a normal Category "A" license and is transferrable."

The Minister also concurred with the Regional interpretation that there is to be no downgrading of lobster licenses. That is to say, should an individual holding a Category "A" license take a full-time job or should further information come to the Fishery Officer to the effect that

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5754-14-9

- 2 -

June 7, 1977

the original "A" Categorization was incorrect, the lobster license of that individual will not be renewed in the following year. (The first paragraph on Page 11 of the Policy applies). The Minister also established a new prerequisite for the entry of new participants to the lobster fishery. This requirement is summarized in the following amendment:

Paragraph 2 in the section on "Transfers of Licenses" on Page 11 of the Guidelines is amended by adding thereto:

Dec 21/77
"All new entrants into the lobster fishery should have lobster fishing experience as a helper of at least two seasons."

This is a guideline only and periods of lesser lengths of participation in the lobster fishery or of fishing activity in other fisheries may be considered as sufficient participation in the fisheries to permit the transfer. It will be the discretion of the District Protection Officer as Chairman of the Appeal's Committee whether or not transfers under these latter conditions are permitted."

Please assure that all officers are advised of the above mentioned amendments to the "Lobster Policy and Operating Guidelines". For further information or elaboration, please do not hesitate to contact this office or Mr. Scarth.

P.A. Comeau
P.A. Comeau

*copies sent to all
11/8 + 7/10 14-6-77*

•
ENV FISH SHIP

ENV FISH HFX

THIS COPY: T.GAUDET

30 3 77

ALL AREA MANAGERS.

THE FREEZE ON THE CATEGORIZATION OF OLD CLASS B LOBSTER LICENSES
AS ESTABLISHED ON MY DIRECTION 3 WEEKS AGO IS LIFTED. ACTING
ON THE DIRECTION OF THE MINISTER, ANY OLD CLASS B LICENSEES YET
TO BE CATEGORIZED MUST NOW BE CATEGORIZED AS NEW CATEGORY B ONLY.
→ THIS NEW CATEGORY B LICENSE IS NOT TRANSFERRABLE AND MAY NOT BE
UPGRADED TO CATEGORY A UNDER ANY CIRCUMSTANCES. WHERE OLD CLASS B
LICENSEES HAVE ALREADY BEEN INFORMED OF NEW STATUS, THESE ORIGINAL
CATEGORIZATIONS WILL STAND AT LEAST FOR THE APPROACHING SEASON. ↗

P.A. COMEAU
DIRECTOR
FIELD SERV BR

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ENV FISH SHIP

ENV FISH HFX

ENV FISH HFX
THIS COPY: W. KOZAK

30 3 77

ALL AREA MANAGERS

THE FOLLOWING SURVEY REQUEST IS REQUIRED TO ASSIST IN DEVELOPMENT
IN LOBSTER LICENSING POLICY AND IS CONSIDERED HIGH
PRIORITY

- 1) HOW MANY OLD B CLASS LICENSES EXISTED IN YOUR AREA IN 1975?
- 2) WHAT IS THE FINAL DISPOSITION OF THE OLD B CLASS LICENSES...

- A) UPGRADED TO A IN 1976: NO.....LICENSES
- B) UPGRADED TO NEW B IN 1977: NO.....LICENSES
- C) UPGRADED TO NEW A IN 1977: NO.....LICENSES
- D) FROZEN AS PER MY RECENT DIRECTIONLICENSES

P.A. COMEAU
DIRECTOR
FIELD SERV BR

ENV FISH SHIP

ENV FISH HFX

MEMORANDUM NOTE DE SERVICE

DATE March 22, 1977

FROM: P.A. Comeau
DE: Director
Field Services Branch

Our file Notre référence
5754-14-9

TO: All Area Managers
A: All District Protection Officers

Your file Votre référence

SUBJECT: LOBSTER LICENSING POLICY
SUJET:

The following minor amendments are noted in the Lobster Policy and Operating Guidelines for Fishery Officers as issued from this office on February 23.

✓ 1) The last sentence in the second paragraph on page 4 is altered to read as follows: If both operators are eligible for B licenses only, the partnership may continue to stand with the maximum number of traps set at 150% of the normal B category trap limit.

2) The portion in brackets in the last sentence of paragraph one on page 10 is altered to read: (ie., the Gulf districts - the summer of '78)

3) The second paragraph in the section "Transfer of Licenses" on page 11 is altered by adding the following sentence thereto: It is noted that transfers of valid Category A licenses are permitted only within the lobster district and province where the lobster license has originally been issued.

4) The first paragraph on page 11 is amended by adding the following sentence thereto: Should a fishery officer receive information to the effect that a Category A lobster fisherman in his area has taken a full-time job outside the primary industry, the fishery officer should immediately, upon receiving such information, notify the lobster fisherman by registered mail to the effect that as he has taken a full-time job, his lobster license will not be renewable for the following season.

Please assure that all officers holding these guidelines receive copies of this memorandum. It is suggested that this amendment sheet be attached directly to the Lobster Policy and Operating Guidelines and that the applicable marginal notation to be made in each copy. Further details with respect to any amendments to this policy will be announced in the above format.

Send copies to J.E. Davis, J.H. Robichaud, P.A. Comeau, G.W. Blanchard, J.F. Comeau, M.T. Macerolle, J.T. McMahon, Leineque, R. Duguay, T. D. Comeau

000098

**Pages 99 to / à 100
are duplicates of
sont des duplicatas des
pages 70 to / à 71**

LIGNE DE CONDUITE

ÉNONCE DE LA LIGNE DE CONDUITE RELATIVE À
LA PÊCHE DU HOMARD DANS LES ZONES CÔTIÈRES
RÉGION DES MARITIMES

DATE D'ENTRÉE EN VIGUEUR : LE 20 JUILLET 1979

-13-

localité n'est pas en mesure de rendre une décision en se fondant sur les renseignements qui lui ont été présentés.

I M P O R T A N T

On ne peut reclassifier un permis de catégorie "A" en permis de catégorie "B". Si un détenteur de permis de catégorie "A" ou "A-1" accepte un emploi à plein temps pendant ou après la saison de pêche du homard, il perd son droit de participer à la pêche du homard dès que la saison de pêche prend fin. Le comité d'examen de la pêche du homard est actuellement en train d'étudier cette condition.

(C) Permis "spéciaux" de catégorie "B"

Lors de la mise en application, en 1977, de la nouvelle ligne de conduite relative à la pêche du homard, des pêcheurs du Nouveau-Brunswick et de l'Île-du-Prince-Édouard ont exercé de fortes pressions pour que l'on retire de la pêche du homard TOUTS les bateaux qui participent à cette pêche en vertu d'un permis de pêche de catégorie "B". En réponse, le ministre a publié une directive précisant que tous les particuliers qui détenaient des permis de l'ancienne catégorie "B" et qui n'avaient pas encore été reclassifiés devaient être classifiés détenteurs de permis de la nouvelle catégorie "B" ou catégorie spéciale "B". On ne peut transférer les permis de cette nouvelle catégorie "B" ou catégorie spéciale "B"; les permis ne peuvent, dans aucun cas, être reclassifiés en permis de catégorie "A". A titre d'information, nous avons joint à la présente ligne de conduite une liste des détenteurs de permis de la nouvelle catégorie "B" ou catégorie spéciale "B". Les permis de la catégorie spéciale "B" doivent porter la mention Permis non renouvelable.

Fisheries
and Oceans

Pêches
et Océans

Votre No. Votre référence

Our No. Notre référence

MARITIMES REGION
INSHORE LOBSTER LICENSING POLICY PAPER
1980

C O N T E N T S

INTRODUCTION

HISTORICAL BACKGROUND

CURRENT POLICY -

- (1) Category "A" -
 - A. Policy Directive
 - B. Minimum Wage Exemption
 - C. Transfer of Privileges
 - (i) Transfer of Category "A" Privileges
 - (ii) Between District Transfers
 - (iii) Intra-District Transfers
 - (iv) Spouses Transferring Category "A" Privileges
 - D. Company Owned Category "A" Privileges
- (2) Category "B" -
 - A. Policy Directive
 - B. Upgrading Category "B" Privileges to "A-1"
 - C. "Special" Category "B" Licences
 - D. Individuals Owning Own Companies

PARTNERSHIPS

LICENSING UNDER AGE INDIVIDUALS

TEMPORARY OPERATOR PERMIT

INTRODUCTION

The major emphasis of the licensing policy should be directed towards conservation and improving the returns from the lobster fishery and to retain those benefits for the fishermen most dependent upon lobster fishing for their livelihood.

A number of objectives to achieve this end have been identified including suggested measures for their achievement in a paper entitled, "Suggested Measures for Atlantic Lobster Management Program 1976 to 1978". A partial review of these objectives include the following:

1. promoting a viable, self-sustaining lobster fishery;
2. establishing priority for participation;
3. developing a Management Plan responsive to local needs;
4. making the Management Plan attractive to fishermen.

On February 23, 1977, an Internal Document entitled, "Lobster Policy and Operating Guidelines for Fishery Officers" was circulated. This Paper attempted

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to deal in a comprehensive and practical way with the implementation of the new "Lobster Policy". However, it now has become apparent that this policy must again be revised and updated in order to remain a timely and practical aid to Fishery Officers when licensing lobster fishermen.

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HISTORICAL BACKGROUND

In 1974, the Lobster Fishery Task Force was commissioned by the Honourable Romeo LeBlanc, the Minister of Fisheries, to study all aspects of the fishery -- biological, sociological and economical. From this study, the Task Force was to determine the ills within the fishery and provide detailed recommendations to improve "the lot" of the participants in the fishery.

The Lobster Task Force reported that there were too many participants in the fishery. The Task Force took note that the natural abundance of the resource is limited and also that it is a "common resource" which must be harvested for its best use in society. The recommendations of the Task Force included programs designed to reduce the number of licences in order to ensure reasonable prospects for those remaining in the fishery.

The following historical summary capsulizes the key dates from which the present day lobster policy has evolved beginning with the Final Report of the Lobster Task Force.

- 4 -

March 1975

The Final Report of the Lobster Task Force was released to the public.

September 24, 1975

Document entitled "Suggested Measures for Atlantic Lobster Program 1976-1981" released. This Paper clarified some of the recommendations that the Lobster Task Force had made and was distributed to the Field Staff within the Maritime and Newfoundland Regions. See the Introduction of this Paper for a summary of the main aspects raised by this Document.

December 1975

The first "moonlighter" policy was introduced designed to eliminate individuals fishing lobsters who were not fully dependent on fishing for their incomes. Due to strenuous objections by the fishermen to certain problems, such as, the short period of advance warning and the inability to process appeals, the policy was postponed by the Minister.

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- 5 -

November 8, 1976

A "remodelled moonlighter" policy was implemented. This policy was designed to achieve the original objectives through a gradual phase-out of "moonlighters".

February 23, 1977

"Lobster Policy and Operating Guidelines for Fishery Officers" manual was released as an Internal Document to the Field Staff. This Manual formed the basis of the present day licensing policy. It is the aim of this Paper to update and revise this Policy Manual to make it more relevant to the present day situation.

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6

CATEGORY "A"

(A) Policy Directive

Category "A" operators licences are reserved for persons who depend on the lobster fishery and who have no year round employment nor any full-time seasonal job that coincides with the lobster season. Full-time employment is based on a 7 hours/day and 35 hours/week work pattern.

(B) Minimum Wage Exemption

The Minister has acknowledged that although a person may have full-time employment, the income from that employment may be low enough to indicate a true dependence on the Lobster Fishery. This has led to the implementation of the Minimum Wage Exemption.

Note: The Minimum Wage Exemption for this policy directive will be based on the following

formula:

Federal Minimum Hourly Wage X 40 hours X

.52 weeks + 25% = Minimum Wage Exemption.

A Category "A" licence may be issued to individuals with full-time jobs when their total gross income from all sources, (except self-employment in the primary industries) does not exceed the minimum wage for the area plus 25%. This is based on the 12 months prior to the date of the application for a licence (for example, at the time of licensing for the lobster fishery). The individual must provide complete

documentation for review by the Fishery Officer in order to substantiate a claim for the Minimum Wage Exemption.

(C) Transfer of Privileges

(i) Transfer of Category "A" Privileges

NOTE: - Only Category "A" licences are transferable.
- Transfers can only be actioned when the sale of the registered lobster fishing unit is included.

When applying for a transfer of privileges both the fisherman leaving the fishery and the new applicant must both be eligible for Category "A" licences and/or are "bona fide" fishermen*. This status is determined by reviewing both the vendor's and the purchaser's occupational status as exists at the time of the application to transfer. The local Officer must assure that this is indeed the case by (where necessary) requesting sufficient documentation to prove the employment status of each individual.

All new entrants into the lobster fishery must be a "bona fide" fisherman and will be issued an A-1 licence privilege that must be held at least two fishing seasons before it can be sold. This condition is placed in the Policy in order to prevent the transfer of privileges as a "black" market exercise.

NOTE: A "bona fide" fisherman for the purposes of this policy directive is one who is
(1) recognized as a fisherman within his/her

local community (local definition)

- (2) and has actively participated as a
full-time fisherman in any commercial
fishery, for at least two (2) years
out of the last 5 years.

(ii) Between District Transfers

TRANSFER OF LOBSTER PRIVILEGES BETWEEN LOBSTER
DISTRICTS OR PROVINCES IS NOT PERMITTED.

(iii) Intra-District Transfers

* / When it comes to the attention of the Area Manager
or the District Protection Officer that there is a "drift"
or increased concentration of licences in an area, the Area
Manager should:

- (a) consult with the appropriate
fishermen's organization
representing the affected area;

and

- (b) with their concurrence, restrict the
transfer of licences into the affected
area.

This restriction will continue indefinitely until
there is mutual agreement that it is no longer required.

Transfers "out" of the affected area will be permitted during the period that transfers "in" are being restricted. Where there is no fishermen's organizations representing the majority of fishermen, their opinion shall be sought by either a public meeting or a questionnaire distributed to licence holders.

(iv) Spouses Transferring Category "A" Privileges

In the case where a licensed lobster fisherman dies, the spouse is provided with the option to sell the privilege back into the fishery. The lobster fishing privilege must be transferred to an individual who meets the eligibility guidelines for a Category "A" licence, (for example, the same as for a normal Category "A" transfer).

This option may only be utilized if the original fisherman qualified for a Category "A" licence at the time of his death. If he held a full-time job, the privilege is not transferable under any circumstances. The spouse must dispose of the privilege prior to the end of the second lobster season following her husband's death. The only other alternative is to transfer the privilege to herself at which time he/she would become eligible for an operator's licence (provided she meets Category "A" eligibility guidelines.)

(D) Company Owned Category "A" Privileges

When a company (or individual) owns more than one vessel, the primary operator from the previous season is

generally identified as the operator for next season.

Should this operator leave the fishery, the company may hire a new operator (provided he is eligible for a Category "A" licence) to operate that vessel. That is, they must abide a "one operator per registered vessel" rule. The original operator may not again fish that vessel in that season. He may work for another company, provided of course, he is the only operator for the vessel and is still eligible for a Category "A" licence.

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CATEGORY "B"

(A) Policy Directive

The Minister provided this category of licence to be issued to persons with full-time jobs but with a long historical attachment to the fishery. These individuals are required to fish at a reduced level of activity (30% of the maximum number of traps allowed in his lobster district). They may remain in the fishery for as long as they choose. Transfers of vessels operated by Category "B" licencees are not normally permitted.

THERE CAN BE NO NEW CATEGORY "B" LICENCES ISSUED. CATEGORY "B" LICENCES REMAIN RESTRICTED TO THE LICENCEE ALONE AND EXPIRES WHEN THE INDIVIDUAL LEAVES THE FISHERY.

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(B) Upgrading Category "B" Privileges to Category "A-1"

Category "B" licence is eligible for upgrading to Category "A-1" should employment status change. *See Section (C) regarding the "Special" Category "B" Licences which cannot be either transferred or upgraded which exist in New Brunswick. This upgrading is conducted at licensing time only and not during mid-season*. That is, if a Category "B" licensee ceases full-time employment in the future, then his privilege may be upgraded in the following year to a non-transferable Category "A-1".

When a person holding a Category "B" operator's licence is upgraded to Category "A-1", he may fish the full compliment of traps but this new Category "A" licence (termed "A-1") is not transferable until the licensee has engaged as a bona fide fisherman in the lobster fishery for at least two years. If this condition is fulfilled, the Category "A-1" licence becomes a normal Category "A" licence and is transferable.

* NOTE: In the event that: (a) a mistake was made by the Department, or (b) an appeal is still being heard that results in the change of status from "B" to "A-1", the upgrading may be conducted during the lobster season.

When applying for an upgrading, the applicant must provide the local Fishery Officer with documentation to prove

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the loss of the full-time job. Only cases when, based on the information submitted, the local Officer is unable to render a decision, should the application be forwarded to the Appeals Committee.

I M P O R T A N T

There can be no down-grading from "A" to "B". Should a Category "A" or "A-1" fisherman take a full-time job during the season, or following, he is removed from the fishery altogether, directly following the fishing season. This condition is currently under review by the Lobster Review Committee.

(C) "Special" Category "B" Licences

During the application of the new Lobster Policy in 1977, fishermen in New Brunswick and Prince Edward Island lobbied strongly that ALL Category "B" boats must be eliminated from the fishery. In response, the Minister issued a directive which stated that "Any old Class "B" licencees yet to be categorized must now be categorized as New or Special "B" licencees only. This New or Special Category "B" licence is not transferable and may not be upgraded to Category "A" under any circumstances. For your information a list of the New or Special Category "B" licencees by each Lobster District is included in this guideline. When licensing Special Category "B" licencees, the licence must be clearly marked as Terminal." *BT Terminal*

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(D) Individuals Owning Own Companies - Category "B"

When an individual owns his own company or business, and fishes during the lobster season, he is still considered to have full-time employment, as work at his company continues in his absence. These individuals, providing they meet the eligibility guidelines for a Category "B" licence, are permitted to retain their lobster fishing privileges.

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(E) PARTNERSHIPS

Based on the requests forwarded by individual lobster fishermen, the question of re-introducing lobster fishing partnerships has arisen. It has been decided by the Regional Senior Management Committee that based on both a cost efficiency argument (for fishermen themselves), and a reduction of fishing effort argument, partnerships should be allowed on a limited basis.

(a) Partnerships may be created and maintained only in cases whereby both parties possess privileges for a Category "A" licence as outlined in Section 9.1(1)(2)(3) of the Lobster Fishery Regulations.

(b) The two basic principles which underlie the lobster partnership policy will be that:

(1) both persons or partners must be present in the boat at the same time during fishing operations,

and

(2) the number of lobster traps that can be fished by the partnerships cannot be greater than the legal number of traps plus 50% of the allocated or designated number for that lobster district.

- (c) In the event of the death of a person within a partnership the partnership would be dissolved with the surviving partner and the deceased's spouse each offered a Category "A" licence.
- (d) In the event of sickness or injury to one of the partners, the local Fishery Officer may, at his discretion, issue a "Temporary Permit" authorizing the operation of the vessel by one person (the other partner). Similarly a helper can be authorized to go with the remaining partner.
- (f) In the event of a lobster violation, conviction which results in a recommendation for suspension of fishing privileges, the following condition should be made clear to eligible persons considering forming a partnership. Upon conviction under applicable fishery regulations, both partners will be considered fully liable and responsible since the vessel and both partners are considered as a single fishing effort unit.
- (g) All partnerships will be normally established for two years. After a period of two years the

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persons involved in a lobster fishery partnership may decide to split their partnership. The following procedure should be followed:

A request must be submitted to the Fishery Officer prior to Licensing for the next lobster season in that particular district stating the reasons for the partnership's split. The request signed by one of the partners involved in the partnership will be forwarded along with a recommendation from the local Fishery Officer to the District Protection Officer for approval.

Government
of Canada

Gouvernement
du Canada

Fisheries
and Oceans

Pêches
et Océans

SCOTIA-FUNDY AND GULF (MARITIMES) REGIONS

INSHORE LOBSTER LICENSING POLICY PAPER

1981

N O T E

ALL PERSONS MAKING USE OF THIS DOCUMENT ARE REMINDED
THAT IT HAS NO OFFICIAL SANCTION AND ITS CONTENT MAY
CHANGE WITHOUT PRIOR NOTICE. YOUR LOCAL FISHERY OFFICER
SHOULD BE CONSULTED FOR ALL PURPOSES OF INTERPRETING
AND APPLYING THIS POLICY.

C O N T E N T S

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HISTORICAL BACKGROUND

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Note: The Minimum Wage Exemption for this policy directive will be based on the following formula:

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52 weeks + 25% = Minimum Wage Exemption.

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NOTE: A "bona fide" fisherman for the purposes of this policy directive is one who is
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(iv) Spouses Transferring Category "A" Privileges

In the case where a licensed lobster fisherman dies, the spouse is provided with the option to sell the privilege back into the fishery. The lobster fishing privilege must be transferred to an individual who meets the eligibility guidelines for a Category "A" licence, (for example, the same as for a normal Category "A" transfer).

This option may only be utilized if the original fisherman qualified for a Category "A" licence at the time of his death. If he held a full-time job, the privilege is not transferable under any circumstances. The spouse must dispose of the privilege prior to the end of the second lobster season following her husband's death. The only other alternative is to transfer the privilege to herself at which time he/she would become eligible for an operator's licence (provided she meets Category "A" eligibility guidelines.

(D) Company Owned Category "A" Privileges

When a company (or individual) owns more than one vessel, the primary operator from the previous season is

generally identified as the operator for next season.

Should this operator leave the fishery, the company may hire a new operator (provided he is eligible for a Category "A" licence) to operate that vessel. That is, they must abide a "one operator per registered vessel" rule. The original operator may not again fish that vessel in that season. He may work for another company, provided of course, he is the only operator for the vessel and is still eligible for a Category "A" licence.

CATEGORY "B"

(A) Policy Directive

The Minister provided this category of licence to be issued to persons with full-time jobs but with a long historical attachment to the fishery. These individuals are required to fish at a reduced level of activity (30% of the maximum number of traps allowed in his lobster district). They may remain in the fishery for as long as they choose. Transfers of vessels operated by Category "B" licencees are not normally permitted.

THERE CAN BE NO NEW CATEGORY "B" LICENCES ISSUED. CATEGORY "B" LICENCES REMAIN RESTRICTED TO THE LICENCEE ALONE AND EXPIRES WHEN THE INDIVIDUAL LEAVES THE FISHERY.

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(B) Upgrading Category "B" Privileges to Category "A-1"

Category "B" licence is eligible for upgrading to Category "A-1" should employment status change. *See Section (C) regarding the "Special" Category "B" Licences which can be transferred or upgraded which exist in New Brunswick. This upgrading is conducted at licensing time only and not during mid-season*. That is, if a Category "B" licensee ceases full-time employment in the future, then his privilege may be upgraded in the following year to a non-transferable Category "A-1".

When a person holding a Category "B" operator's licence is upgraded to Category "A-1", he may fish the full compliment of traps but this new Category "A" licence (termed "A-1") is not transferable until the licensee has engaged as a bona fide fisherman in the lobster fishery for at least two years. If this condition is fulfilled, the Category "A-1" licence becomes a normal Category "A" licence and is transferable.

* NOTE: In the event that: (a) a mistake was made by the Department, or (b) an appeal is still being heard that results in the change of status from "B" to "A-1", the upgrading may be conducted during the lobster season.

When applying for an upgrading, the applicant must provide the local Fishery Officer with documentation to prove

the loss of the full-time job. Only cases when, based on the information submitted, the local Officer is unable to render a decision, should the application be forwarded to the Appeals Committee.

I M P O R T A N T

There can be no down-grading from "A" to "B". Should a Category "A" or "A-1" fisherman take a full-time job during the season, or following, he is removed from the fishery altogether, directly following the fishing season. This condition is currently under review by the Lobster Review Committee.

(C) "Special" Category "B" Licences

During the application of the new Lobster Policy in 1977, fishermen in New Brunswick and Prince Edward Island lobbied strongly that ALL Category "B" boats must be eliminated from the fishery. In response, the Minister issued a directive which stated that "Any old Class "B" licencees yet to be categorized must now be categorized as New or Special "B" licencees only. This New or Special Category "B" licence is not transferable and may not be upgraded to Category "A" under any circumstances. For your information a list of the New or Special Category "B" licencees by each Lobster District is included in this guideline. When licensing Special Category "B" licencees, the licence must be clearly marked as Terminal.

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(D) Individuals Owning Own Companies - Category "B"

When an individual owns his own company or business, and fishes during the lobster season, he is still considered to have full-time employment, as work at his company continues in his absence. These individuals, providing they meet the eligibility guidelines for a Category "B" licence, are permitted to retain their lobster fishing privileges.

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(E) PARTNERSHIPS

Based on the requests forwarded by individual lobster fishermen, the question of re-introducing lobster fishing partnerships has arisen. It has been decided by the Regional Senior Management Committee that based on both a cost efficiency argument (for fishermen themselves), and a reduction of fishing effort argument, partnerships should be allowed on a limited basis.

(a) Partnerships may be created and maintained only in cases whereby both parties possess privileges for a Category "A" licence as outlined in Section 9.1(1)(2)(3) of the Lobster Fishery Regulations.

(b) The two basic principles which underlie the lobster partnership policy will be that:

(1) both persons or partners must be present in the boat at the same time during fishing operations,

and

(2) the number of lobster traps that can be fished by the partnerships cannot be greater than the legal number of traps plus 50% of the allocated or designated number for that lobster district.

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- (c) In the event of the death of a person within a partnership the partnership would be dissolved with the surviving partner and the deceased's spouse each offered a Category "A" licence.
- (d) In the event of sickness or injury to one of the partners, the local Fishery Officer may, at his discretion, issue a "Temporary Permit" authorizing the operation of the vessel by one person (the other partner). Similarly a helper can be authorized to go with the remaining partner.
- (f) In the event of a lobster violation, conviction which results in a recommendation for suspension of fishing privileges, the following condition should be made clear to eligible persons considering forming a partnership. Upon conviction under applicable fishery regulations, both partners will be considered fully liable and responsible since the vessel and both partners are considered as a single fishing effort unit.
- (g) All partnerships will be normally established for two years. After a period of two years the

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- 17 -

persons involved in a lobster fishery partnership may decide to split their partnership. The following procedure should be followed:

A request must be submitted to the Fishery Officer prior to Licensing for the next lobster season in that particular district stating the reasons for the partnership's split. The request signed by one of the partners involved in the partnership will be forwarded along with a recommendation from the local Fishery Officer to the District Protection Officer for approval.

LICENSING UNDER AGE INDIVIDUALS

In the past, lobster licences have been transferred to "under aged" individuals with each case being judged on its own merits. In the future, transfers to individuals under sixteen years of age will not normally be approved for the following reasons:

- (a) The Minister has stated publicly that any transfer of a licence should only be to a recognized commercial fisherman.
- (b) It is felt that a person under 16 years of age, in general, is not mature enough to realize his responsibilities as an operator of a lobster vessel nor likely to have a full understanding of the applicable fishery regulations.

TEMPORARY OPERATOR PERMIT

In the event of sickness or injury to a primary operator, the local Fishery Officer may, at his discretion, issue a "Temporary Permit" authorizing another individual to operate that vessel. The permit, to be prepared on Departmental letterhead, must specify the exact period of validity based on the nature of the illness or injury but may be renewed, if necessary. Care must be taken not to issue temporary permits without proof of the sickness or injury.

In the event of a vessel breakdown, sinking, etc. a "substitute vessel permit" may be granted by the District Protection Officer at his discretion. This permit should be prepared in the same manner as the "Temporary Permit" described above by taking the same precautions.



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Fisheries
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Pêches
et Océans

SCOTIA-FUNDY REGION

LOBSTER FISHERY LICENSING POLICY

1982

PART I - INSHORE LOBSTER FISHERY

PART II - OFFSHORE LOBSTER FISHERY

N O T E

ALL PERSONS MAKING USE OF THIS DOCUMENT ARE REMINDED
THAT IT HAS NO OFFICIAL SANCTION AND ITS CONTENT MAY
CHANGE WITHOUT PRIOR NOTICE. YOUR LOCAL FISHERY OFFICER
SHOULD BE CONSULTED FOR ALL PURPOSES OF INTERPRETING
AND APPLYING THIS POLICY.

LOBSTER FISHERY LICENSING POLICY

This policy applies to the owners of vessels fishing Lobsters from ports within the Scotia-Fundy Region.

Interpretation Section

In this policy:

"Bonafide Fisherman" means a person who is recognized as a fisherman within his/her local community and has fished commercially for at least two (2) years out of the last five (5) years.

"Category 'A' Lobster Fishing Vessel Operators Licence" means a licence issued in accordance with subsection 10(2) of the Lobster Fishery Regulations, being Chapter 817 of the Consolidated Regulations of Canada, 1978, as amended.

"Category 'B' Lobster Fishing Vessel Operators Licence" means a licence issued in accordance with subsection 10(4) of the Lobster Fishery Regulations, being Chapter 817 of the Consolidated Regulations of Canada, 1978, as amended.

"Documented commitment" means a signed contractual agreement between the privilege holder and a second party to build or purchase a replacement vessel. If the privilege holder is building the replacement vessel himself, construction must have commenced. A significant financial outlay by the licensee must have been clearly undertaken.

"Full-time Seasonal Employment" means, in reference to a person, that the person normally is (a) employed in employment for which he receives a salary or wages, or (b) self-employed, for at least 35 hours per week during a period that occurs each year during the open season for the district in which that person resides.

"Fully Employed" means, in reference to a person, that the person normally is (a) employed in employment for which he receives a salary or wages; or (b) self-employed, for 12 months each year. Full-time employment is based on a 7 hours/day and 35 hours/week work pattern.

"Inshore Lobster Fishery" means that fishery which takes place in Lobster Fishing Districts 1, 2, 3, 4A, 4B, 5A, 5B, 6A, 6B, 7A, and 7A1 in the Scotia-Fundy Region.

"Length Overall" (LOA) means the horizontal distance measured between perpendicular lines drawn at the extreme ends of the outside of the main hull of a vessel.

"Licensing Authority" means the Minister of Fisheries and Oceans or his delegate.

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"Limited Fishery Licence" (LFL) means that licence which is issued in respect of the limited fisheries which are designated as such in Section 10(2) of the Atlantic Fishing Registration and Licensing Regulations, being Chapter 808 of the Consolidated Regulations of Canada, 1978, as amended.

"Lobster Fishing District No. 4A" means the Area on and along that portion of the coast or the waters of the Province of Nova Scotia, embraced and included within that portion of the County of Digby that is west of a line drawn north one-half east magnetic from range markers placed by a fishery officer on the eastern side of Burns Point, Digby County, the County of Yarmouth and that portion of Shelburne County that is west of a line drawn due south magnetic from Baccaro Point, Shelburne County.

"Lobster Fishing District No. 4B" means the Area on and along that portion of the coast or the waters of the Province of Nova Scotia, embraced and included within that portion of the County of Shelburne that is east of a line drawn due south magnetic from Baccaro Point, Shelburne County, the Counties of Queens and Lunenburg and that portion of Halifax County that is west of Cole Harbour, including Cole Harbour to a point designated by range markers placed by a Fishery Officer.

"Lobster Vessel Certificate Retirement Program" means that program which was designed to reduce the number of participants in the lobster fishery in New Brunswick and Nova Scotia (1977-1982) through the retirement of Lobster Limited Fishery Licences.

"Minister" means the Minister of Fisheries and Oceans for Canada.

"Offshore Lobster Fishery" means that fishery which takes place in Offshore Lobster Fishing District A.

"Offshore Lobster Fishing District A" means those waters off the coast of the Province of Nova Scotia that are on the seaward side of a line beginning at Latitude 46°00' North and Longitude 58°00' West, thence to a point at Latitude 44°34' North and Longitude 60°21' West, thence to a point at Latitude 43°43' North and Longitude 63°00' West, thence to a point at Latitude 42°34' North and Longitude 65°15' West, thence to a point at Latitude 42°34' North and Longitude 66°10' West, thence to a point at Latitude 42°38'40" North and Longitude 66°30' West, thence to a point at Latitude 42°49'20" North and Longitude 66°50' West, thence to a point at Latitude 43°05'45" North and Longitude 67°04'40" West, thence to a point at Latitude 43°51' North and Longitude 67°26' West.

"Primary Industry Employment" means self-employment in logging, farming or fishing.

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- 3 -

"Scotia-Fundy Region" means for the purposes of interpreting this policy
that area of Nova Scotia and New Brunswick adjacent to and including
NAFO Divisions 4VWX & 5.

.../4

General

1. Each vessel must be registered with the Department of Fisheries and Oceans as a Canadian Commercial fishing vessel.
2. The owner of each vessel must hold a valid Limited Fishery Licence for the lobster fishery.
3. Limited Fishery Licences must be renewed on a calendar year basis or are subject to cancellation.
4. Limited Fishery Licences are the property of the Crown and will revert to the Licensing Authority in the event of the sale of a vessel within or outside the fishery, loss, scrapping, repossession, or any other similar action.
5. Limited Fishery Licences are NOT transferable.
6. Limited Fishery Licences are issued at the discretion of the Minister and only to the registered owner in respect of a specific vessel.
7. Vessels in the lobster fishery must be operated in accordance with all conditions entered on the Limited Fishery Licence and pertinent regulations.
8. The owner of a Lobster vessel may hold multiple licences in respect of that vessel (e.g. lobster and scallop), subject to the licensing policies of the other limited fisheries.
9. When a vessel of this size class in respect of which more than one Limited Fishery Licence has been issued is replaced or sold, all fishing licences must remain bound as a single unit with the exception of Inshore lobster (i.e. licences may not be split between two or more vessels).
10. Lobster licences will not normally be issued to individuals under sixteen (16) years of age.
11. In the event of sickness or injury to a lobster vessel operator, the local Fishery Officer may at his discretion issue a temporary Permit authorizing another individual to operate a lobster vessel.
12. In the event of a vessel breakdown, sinking, etc., a substitute vessel permit may be granted at the discretion of the Area Conservation Chief.
13. A fisherman may hold only one lobster limited fishery licence.
14. Individuals or companies which held multiple lobster licences in 1968 will be allowed to continue to do so, however, companies formed after 1968 will be restricted to holding only one lobster limited fishery licence.

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PART I - INSHORE LOBSTER FISHERY

A. Existing Fleet

1. The existing fleet consists of those vessels or their replacements in respect of which Limited Fishery Licences were issued for the inshore lobster fishery in the preceding calendar year.
2. Vessels which participated in the Lobster Vessel Certificate Retirement Program (1978-1981) would be excluded.

B. Lobster Fishing Vessel Operator's Licences

1. There are two categories of Lobster Fishing Vessel Operator's Licences, Category "A", and Category "B".
2. Category "A" Operator Licences are issued to persons:
 - (a) who depend on the lobster fishery for their livelihood and who are not 'fully employed' in employment other than primary industry employment or have any full-time seasonal employment unless he can establish that his gross annual earnings during the 12 month period immediately preceding his application for the licence does not exceed what he would have earned if paid the minimum wage plus 25 percent during that period; and
 - (b) is a bonafide fisherman.

NOTE: Minimum Wage Exception = Federal Minimum Wage x 40 hours x 52 weeks
+ 25%.

3. Category "B" Operator Licences are issued to persons who were engaged in the lobster fishery in 1968 and in each subsequent year as principal operators and who do not fulfill the employment criteria of a Category "A" Operator.
4. The downgrading or upgrading of licences is not permitted.
5. A Category "A" licensee wishing to explore an alternate career may recess his licence for one year. The licensee would retain his/her Category "A" status for this period and could exercise the options provided by the policy during that period. The recess privilege would be provided once per fisherman. No lobster licence is to be issued during the recess period.

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6. Specific recess periods may be authorized by an Area Manager for a total Lobster Fishing District and for a specific period, when warranted. The key factors of this provision are:
 - (a) it must apply to a specific Lobster Fishing District in total;
 - (b) it must apply to all fishermen in that Lobster Fishing District;
 - (c) it must have a specified time limit.

C. Sale of Vessel

1. In the event of the sale of a vessel, both the seller and purchaser shall, within 60 days, inform the local Fishery Officer of the details of the transaction. The requirement of this subsection is fulfilled by the completion of a "NOTIFICATION OF TRANSFER, LOSS, OR REMOVAL OF A COMMERCIAL FISHING VESSEL" form (See Appendix A).
2. At the time of notification, the seller of the vessel may apply to the Licensing Authority to:
 - (a) have the fishing privileges reserved in his name for replacement purposes, or
 - (b) in the case of a Category "A" Licencee (Category "B" licences are not transferrable) have the Limited Fishery Licence re-issued to the new owner in respect of the vessel.
3. In the case of Subsection C2(a) the seller (only) of the vessel will have two years from the date of notification to make a documented commitment to build or purchase a replacement vessel. On application, the Licensing Authority will consider extensions to this time frame due to extenuating circumstances.
4. Failure to make such a commitment will result in cancellation of replacement privileges.
5. In the case of Subsection C2(b), a Category "A" Lobster Fishing Vessel Operator's Licence must have been held for a minimum period of 12 months prior to the sale of that vessel before the Licensing Authority will consider the re-issuance of the fishing privileges to the new owner.

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6. Notwithstanding Subsection C5, the purchaser of a vessel shall only be eligible for the re-issuance of the lobster Limited Fishery Licence providing that the purchaser:
 - (a) is the official registered owner of the vessel both with Fisheries and the Ministry of Transport;
 - (b) is a bonafide fisherman;
 - (c) will be the operator of the vessel;
 - (d) meets the employment criteria to hold a Category "A" licence; and
 - (e) resides in the Lobster Fishing District for which the lobster privilege is issued.
7. The transfer of lobster privileges between Lobster Districts or Provinces is not permitted.
8. (a) When it comes to the attention of the Area Manager or the Area Conservation Chief that there is a 'drift' or increased concentration of licences in an area, the Area Manager should:
 - (i) consult with the appropriate fishermen's organization representing the affected area; and
 - (ii) with their concurrence, restrict the transfer of licences into the affected area.
- (b) This restriction will continue indefinitely until there is mutual agreement that it is no longer required.
- (c) Transfers "out" of the affected area will be permitted during the period that transfers "in" are being restricted. Where there is no fishermen's organizations representing the majority of fishermen, their opinion shall be sought by either a public meeting or a questionnaire distributed to licence holders.

9. Spouses Transferring Category "A" Privileges

In the case where a licensed lobster fisherman dies, the spouse is provided with the option to sell the privilege back into the fishery. The lobster fishing privilege must be transferred to an individual who meets the eligibility guidelines for a Category "A" licence, (for example, the same as for a normal Category "A" transfer).

This option may only be utilized if the original fisherman qualified for a Category "A" licence at the time of his death. If he held a full-time job, the privilege is not transferrable under any circumstances. The spouse must dispose of the privilege prior to the end of the second lobster season following her husband's death. The only other alternative is to transfer the privilege to herself at which time she would become eligible for an operator's licence (provided she meets Category "A" eligibility guidelines).

D. Repossession of Vessel

1. In the event of the repossession of a vessel, the licenced owner at the time of repossession shall, within 60 days, inform the local Fishery Officer of the details of the transaction. The requirement of this subsection is fulfilled by the completion of a "NOTIFICATION OF TRANSFER, LOSS OR REMOVAL OF A COMMERCIAL FISHING VESSEL" form (See Appendix A).
2. The licenced owner (only) will have two years from the date of repossession to make a documented commitment to build or purchase a replacement vessel. On application, the Licensing Authority will consider extensions to this time frame due to extenuating circumstances.
3. Failure to make such a commitment will result in cancellation of replacement privileges.

E. Loss or Removal of Vessel

1. In the event of loss or removal of the vessel, the owner of the vessel shall, within 60 days, advise the local Fishery Officer of the details of the action. The requirement of this subsection is fulfilled by the completion of a "NOTIFICATION OF TRANSFER, LOSS OR REMOVAL OF A COMMERCIAL FISHING VESSEL" form (see Appendix A).
2. The owner (only) of the vessel will have two years from the date of loss or removal to make a documented commitment to build or purchase a replacement vessel. On application, the Licensing Authority will consider extensions to this time frame due to extenuating circumstances.
3. Failure to make such a commitment will result in cancellation or replacement privileges.

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F. Replacements - Size & Time Frames

1. No size restrictions exist except in Lobster Fishing District Numbers 4A and 4B where no vessel exceeding 13.7 m (45') length overall will be licensed.

G. Partnerships

1. Partnerships may be created and maintained only in cases where both parties possess privileges for a Category "A" licence.
2. Both persons or partners must be present in the boat at the same time during fishing operations.
3. The number of lobster traps that can be fished by the partnerships cannot be greater than the legal number of traps plus 50% of the allocated or designated number for that lobster district.
4. In the event of the death of a person within a partnership, the partnership would be dissolved with the surviving partner and the deceased spouse - each offered a Category "A" licence.
5. In the event of sickness or injury to one of the partners, the local Fishery Officer may issue a "Temporary Permit" authorizing the operation of the vessel by one person (the other partner).
6. In the event of a lobster violation, conviction which results in a recommendation for suspension of fishing privileges, the following condition should be made clear to eligible persons considering forming a partnership. Upon conviction under applicable fishery regulations, both partners will be considered fully liable and responsible since the vessel and both partners are considered as a single fishing effort unit.
7. All partnerships will be normally established for two years.

PART II - OFFSHORE LOBSTER FISHERY

A. Existing Fleet

1. The existing fleet consists of those vessels or their replacements in respect of which Limited Fishery Licences were issued for the Offshore Lobster Fishery in the preceding calendar year (See Appendix B).

B. Conditions of Licence

1. All licences must show a three (3) month seasonal closure (to be established by licensee).
2. Six of the vessels are permitted to fish Brown's Bank (4X) under specified vessel quotas (See Appendix B).
3. All vessels are permitted to fish Georges Bank (5ZE) with no defined quota(s).

C. Sale of Vessel

1. In the event of the sale of a vessel, both the seller and purchaser shall, within 60 days, inform the local Fishery Officer of the details of the transaction. The requirement of this subsection is fulfilled by the completion of a "NOTIFICATION OF TRANSFER, LOSS, OR REMOVAL OF A COMMERCIAL FISHING VESSEL" form (See Appendix A).
2. At the time of notification, the seller of the vessel may apply to the Licensing Authority to have the fishing privileges reserved in his name for replacement purposes (licences are non-transferable).
3. In the case of Subsection C2, the seller (only) of the vessel shall have two years from the date of notification to make a commitment to build or purchase a replacement vessel. If, on application, the Licensing Authority will consider this time frame due to extenuating circumstances.
4. Failure to make such a commitment will result in the loss of replacement privileges.

Best available copy

D. Repossession of Vessel

1. In the event of the repossession of a vessel, the licenced owner at the time of repossession shall, within 60 days, inform the local Fishery Officer of the details of the transaction. The requirement of this subsection is fulfilled by the completion of a "NOTIFICATION OF TRANSFER, LOSS, OR REMOVAL OF A COMMERCIAL FISHING VESSEL" form (See Appendix A).
2. The licenced owner (only) will have two years from the date of repossession to make a documented commitment to build or purchase a replacement vessel. On application, the Licensing Authority will consider extensions to this time frame due to extenuating circumstances.
3. Failure to make such a commitment will result in cancellation of replacement privileges.

E. Loss or Removal of Vessel

1. In the event of loss or removal of the vessel, the owner of the vessel shall, within 60 days, advise the local Fishery Officer of the details of the action. The requirement of this subsection is fulfilled by the completion of a "NOTIFICATION OF TRANSFER, LOSS OR REMOVAL OF A COMMERCIAL FISHING VESSEL" form (See Appendix A).
2. The owner (only) of the vessel will have two years from the date of loss or removal to make a documented commitment to build or purchase a replacement vessel. On application, the Licensing Authority will consider extensions to this time frame due to extenuating circumstances.
3. Failure to make such a commitment will result in cancellation of replacement privileges.

F. Replacements - Size and Time Frame

1. In the event that a vessel is replaced, replacement size and time frames will be subject to the guidelines that exist in the other limited fisheries for which licences are to be issued.

Category "B" lobster licenses not be eligible for upgrading as per present lobster licensing policy. However, in cases where the holder of a Category "B" lobster license should change his employment status, through no fault of his own, and can show financial dependency on the lobster fishery, he may request to appear before the Lobster Appeal's Committee. In such cases the Lobster Appeal's Committee could approve such upgrading. In such cases where the upgrading was approved, these licenses would be considered terminal, and not subject to transfer. Those people who retire with a pension, etc. would not be subject to this upgrading.

In cases where such upgrading is approved, I suggest these licenses become A-2 - this to differentiate from our present A-1, this to indicate to licensing officers that these licenses are terminal and not subject to transfer.

The matter of enforcement of lobster regulation and protection of the resource was discussed.

Concern expressed by fishermen that area lacked patrol boats, and that there was not sufficient effort placed towards the protection of this resource. Fishermen expressed their views that it appeared that the Department of Fisheries and Oceans was not placing sufficient priority to enforcements here, as Fishery Officers had too many other responsibilities. Fishermen expressed desire to have more checking and searching around wharves, vessels, etc., and in particular vessels involved in the Groundfish and Scallop fishery. Also more emphasis during summer and fall around area of summer cottages for possible illegal lobster fishing. Specific request for patrol boat for the Cape George area of Antigonish County, and more direct enforcement efforts.

Government
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MEMORANDUM

NOTE DE SERVICE

L10a4 AUG 23 1984
AOUT

Guy Lafranchise,
Chief, Licensing Unit,
Gulf Region

23 AUG 84 06295

Warren Parsons,
A/Chief, Protection & Regulations,
Gulf Area of N.S.
Antigonish, N.S.

DFC-RECORDS OFFICE

O-S rvice des dossiers

Gulf Region/Région du Golfe

File No. 7015-7-3

Envoies à: L. Lafranchise

SECURITY - CLASSIFICATION - DE SÉCURITÉ

OUR FILE/NOTRE RÉFÉRENCE

YOUR FILE/VOTRE RÉFÉRENCE

DATE

August 22, 1984

Refer to:

Envoies à:

SUBJECT
OBJET

UPGRADING OF CATEGORY "B" LOBSTER LICENSES

Find attached memos pertaining to the upgrading of Category "B"
lobster licenses. Our operating policy remains as indicated in these documents.
The upgrading of "B" licenses does not take place but in unusual circumstances and
only then by approval of the Director General.

W. Parsons
W.C.E. Parsons

WCEP/sm

Attachs

Justin Fandy

148-4

Sept 17/82

PART I - INSHORE LOBSTER FISHERY

A. Existing Fleet

The existing fleet consists of those vessels or their replacements in respect of which Limited Fishery Licences were issued for the inshore lobster fishery in the preceding calendar year.

B. Lobster Fishing Vessel Licences

- d) | 1. There are two categories of Lobster Licences, Category "A", and Category "B".
- d) | 2. Category "A" Licences are issued to persons:
- a) who depend on the lobster fishery for their livelihood and who are not 'fully employed' in employment other than primary industry employment or have any full-time seasonal employment unless he can establish that his gross annual earnings during the 12-month period immediately preceding his application for the licence does not exceed what he would have earned if paid the minimum wage plus 25 percent during that period;
- (c) | b) Revoked.
- (d) | 3. Category "B" Licences are issued to persons who were engaged in the lobster fishery in 1968 and in each subsequent year as principal operators and who do not fulfill the employment criteria of a Category "A" Licence.

NOTE: Minimum Wage Exception = Federal Minimum Wage X 40 hours X
52 Weeks + 25%.

4. The downgrading or upgrading of licences is not permitted.

- (c) January 16, 1984
(d) July 20, 1984

upgraded in 1980
in 1981?
in 1982 up to 1st

FEB 5 1985

P O L I C Y

INSHORE LOBSTER LICENSING POLICY PAPER
MARITIMES REGION

EFFECTIVE JULY 20, 1979

C O N T E N T S

INTRODUCTION

HISTORICAL BACKGROUND

CURRENT POLICY -

- (1) Category "A" -
 - A. Policy Directive
 - B. Minimum Wage Exemption
 - C. Transfer of Privileges
 - (i) Transfer of Category "A" Privileges
 - (ii) Between District Transfers
 - (iii) Intra-District Transfers
 - (iv) Spouses Transferring Category "A" Privileges
 - D. Company Owned Category "A" Privileges
- (2) Category "B" -
 - A. Policy Directive
 - B. Upgrading Category "B" Privileges to "A-1"
 - C. "Special" Category "B" Licences
 - D. Individuals Owning Own Companies

PARTNERSHIPS

LICENSING UNDER AGE INDIVIDUALS

TEMPORARY OPERATOR PERMIT

INTRODUCTION

The major emphasis of the licensing policy should be directed towards conservation and improving the returns from the lobster fishery and to retain those benefits for the fishermen most dependent upon lobster fishing for their livelihood.

A number of objectives to achieve this end have been identified including suggested measures for their achievement in a paper entitled, "Suggested Measures for Atlantic Lobster Management Program 1976 to 1978". A partial review of these objectives include the following:

1. promoting a viable, self-sustaining lobster fishery;
2. establishing priority for participation;
3. developing a Management Plan responsive to local needs;
4. making the Management Plan attractive to fishermen.

On February 23, 1977, an Internal Document entitled, "Lobster Policy and Operating Guidelines for Fishery Officers" was circulated. This Paper attempted

- 2 -

to deal in a comprehensive and practical way with the implementation of the new "Lobster Policy". However, it now has become apparent that this policy must again be revised and updated in order to remain a timely and practical aid to Fishery Officers when licensing lobster fishermen.

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HISTORICAL BACKGROUND

In 1974, the Lobster Fishery Task Force was commissioned by the Honourable Romeo LeBlanc, the Minister of Fisheries, to study all aspects of the fishery -- biological, sociological and economical. From this study, the Task Force was to determine the ills within the fishery and provide detailed recommendations to improve "the lot" of the participants in the fishery.

The Lobster Task Force reported that there were too many participants in the fishery. The Task Force took note that the natural abundance of the resource is limited and also that it is a "common resource" which must be harvested for its best use in society. The recommendations of the Task Force included programs designed to reduce the number of licences in order to ensure reasonable prospects for those remaining in the fishery.

The following historical summary capsulizes the key dates from which the present day lobster policy has evolved beginning with the Final Report of the Lobster Task Force.

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March 1975

The Final Report of the Lobster Task Force was released to the public.

September 24, 1975

Document entitled "Suggested Measures for Atlantic Lobster Program 1976-1981" released. This Paper clarified some of the recommendations that the Lobster Task Force had made and was distributed to the Field Staff within the Maritime and Newfoundland Regions. See the Introduction of this Paper for a summary of the main aspects raised by this Document.

December 1975

The first "moonlighter" policy was introduced designed to eliminate individuals fishing lobsters who were not fully dependent on fishing for their incomes. Due to strenuous objections by the fishermen to certain problems, such as, the short period of advance warning and the inability to process appeals, the policy was postponed by the Minister.

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- 5 -

November 8, 1976

A "remodelled moonlighter" policy was implemented. This policy was designed to achieve the original objectives through a gradual phase-out of "moonlighters".

February 23, 1977

"Lobster Policy and Operating Guidelines for Fishery Officers" manual was released as an Internal Document to the Field Staff. This Manual formed the basis of the present day licensing policy. It is the aim of this Paper to update and revise this Policy Manual to make it more relevant to the present day situation.

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CATEGORY "A"

(A) Policy Directive

Category "A" operators licences are reserved for persons who depend on the lobster fishery and who have no ^{full-time} year round employment nor any full-time seasonal job that coincides with the lobster season. Full-time employment is based on a 7 hours/day and 35 hours/week work pattern.

(B) Minimum Wage Exemption

The Minister has acknowledged that although a person may have full-time employment, the income from that employment may be low enough to indicate a true dependence on the Lobster Fishery. This has led to the implementation of the Minimum Wage Exemption.

Note: The Minimum Wage Exemption for this policy directive will be based on the following formula:

Federal Minimum Hourly Wage X 40 hours X
52 weeks + 25% = Minimum Wage Exemption.

A Category "A" licence may be issued to individuals with full-time jobs when their total gross income from all sources, (except self-employment in the primary industries) does not exceed the minimum wage for the area plus 25%. This is based on the 12 months prior to the date of the application for a licence (for example, at the time of licensing for the lobster fishery). The individual must provide complete

documentation for review by the Fishery Officer in order
to substantiate a claim for the Minimum Wage Exemption.

(C) Transfer of Privileges

(i) Transfer of Category "A" Privileges

NOTE: - Only Category "A" licences are transferable.

- Transfers can only be actioned when the sale of
the registered lobster fishing unit is included.

When applying for a transfer of privileges both the
fisherman leaving the fishery and the new applicant must both
be eligible for Category "A" licences and/or are "bona fide"
fishermen*. This status is determined by reviewing both the
vendor's and the purchaser's occupational status as exists at
the time of the application to transfer. The local Officer
must assure that this is indeed the case by (where necessary)
requesting sufficient documentation to prove the employment
status of each individual.

All new entrants into the lobster fishery must be
a "bona fide" fisherman and will be issued an A-1 licence
privilege that must be held at least two fishing seasons
before it can be sold. This condition is placed in the
Policy in order to prevent the transfer of privileges as a
"black" market exercise.

NOTE: A "bona fide" fisherman for the purposes
of this policy directive is one who is
(1) recognized as a fisherman within his/her

local community (local definition)

- (2) and has actively participated as a
full-time fisherman in any commercial
fishery for at least two (2) years
out of the last 5 years..

(ii) Between District Transfers

TRANSFER OF LOBSTER PRIVILEGES BETWEEN LOBSTER
DISTRICTS OR PROVINCES IS NOT PERMITTED.

(iii) Intra-District Transfers

When it comes to the attention of the Area Manager
or the District Protection Officer that there is a "drift"
or increased concentration of licences in an area, the Area
Manager should:

- (a) consult with the appropriate
fishermen's organization
representing the affected area;

and

- (b) with their concurrence, restrict the
transfer of licences into the affected
area.

This restriction will continue indefinitely until
there is mutual agreement that it is no longer required.

Transfers "out" of the affected area will be permitted during the period that transfers "in" are being restricted. Where there is no fishermen's organizations representing the majority of fishermen, their opinion shall be sought by either a public meeting or a questionnaire distributed to licence holders.

(iv) Spouses Transferring Category "A" Privileges

In the case where a licensed lobster fisherman dies, the spouse is provided with the option to sell the privilege back into the fishery. The lobster fishing privilege must be transferred to an individual who meets the eligibility guidelines for a Category "A" licence, (for example, the same as for a normal Category "A" transfer).

This option may only be utilized if the original fisherman qualified for a Category "A" licence at the time of his death. If he held a full-time job, the privilege is not transferable under any circumstances. The spouse must dispose of the privilege prior to the end of the second lobster season following her husband's death. The only other alternative is to transfer the privilege to herself at which time he/she would become eligible for an operator's licence (provided she meets Category "A" eligibility guidelines.

(D) Company Owned Category "A" Privileges

When a company (or individual) owns more than one vessel, the primary operator from the previous season is

generally identified as the operator for next season.

Should this operator leave the fishery, the company may hire a new operator (provided he is eligible for a Category "A" licence) to operate that vessel. That is, they must abide a "one operator per registered vessel" rule. The original operator may not again fish that vessel in that season. He may work for another company, provided of course, he is the only operator for the vessel and is still eligible for a Category "A" licence.

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CATEGORY "B"

(A) Policy Directive

The Minister provided this category of licence to be issued to persons with full-time jobs but with a long historical attachment to the fishery. These individuals are required to fish at a reduced level of activity (30% of the maximum number of traps allowed in his lobster district). They may remain in the fishery for as long as they choose. Transfers of vessels operated by Category "B" licencees are not normally permitted.

THERE CAN BE NO NEW CATEGORY "B" LICENCES ISSUED. CATEGORY "B" LICENCES REMAIN RESTRICTED TO THE LICENCEE ALONE AND EXPIRES WHEN THE INDIVIDUAL LEAVES THE FISHERY.

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(B) Upgrading Category "B" Privileges to Category "A-1"

Category "B" licence is eligible for upgrading to Category "A-1" should employment status change. *See Section (C) regarding the "Special" Category "B" Licences which can be transferred or upgraded which exist in New Brunswick. This upgrading is conducted at licensing time only and not during mid-season*. That is, if a Category "B" licensee ceases full-time employment in the future, then his privilege may be upgraded in the following year to a non-transferable Category "A-1".

When a person holding a Category "B" operator's licence is upgraded to Category "A-1", he may fish the full compliment of traps but this new Category "A" licence (termed "A-1") is not transferable until the licensee has engaged as a bona fide fisherman in the lobster fishery for at least two years. If this condition is fulfilled, the Category "A-1" licence becomes a normal Category "A" licence and is transferable.

* NOTE: In the event that: (a) a mistake was made by the Department, or (b) an appeal is still being heard that results in the change of status from "B" to "A-1", the upgrading may be conducted during the lobster season.

When applying for an upgrading, the applicant must provide the local Fishery Officer with documentation to prove

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the loss of the full-time job. Only cases when, based on the information submitted, the local Officer is unable to render a decision, should the application be forwarded to the Appeals Committee.

I M P O R T A N T

There can be no down-grading from "A" to "B". Should a Category "A" or "A-1" fisherman take a full-time job during the season, or following, he is removed from the fishery altogether, directly following the fishing season. This condition is currently under review by the Lobster Review Committee.

(C) "Special" Category "B" Licences

During the application of the new Lobster Policy in 1977, fishermen in New Brunswick and Prince Edward Island lobbied strongly that ALL Category "B" boats must be eliminated from the fishery. In response, the Minister issued a directive which stated that "Any old Class "B" licencees yet to be categorized must now be categorized as New or Special "B" licencees only. This New or Special Category "B" licence is not transferable and may not be upgraded to Category "A" under any circumstances. For your information a list of the New or Special Category "B" licencees by each Lobster District is included in this guideline. When licensing Special Category "B" licencees, the licence must be clearly marked as Terminal.

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(D) Individuals Owning Own Companies - Category "B"

When an individual owns his own company or business, and fishes during the lobster season, he is still considered to have full-time employment, as work at his company continues in his absence. These individuals, providing they meet the eligibility guidelines for a Category "B" licence, are permitted to retain their lobster fishing privileges.

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(E) PARTNERSHIPS

Based on the requests forwarded by individual lobster fishermen, the question of re-introducing lobster fishing partnerships has arisen. It has been decided by the Regional Senior Management Committee that based on both a cost efficiency argument (for fishermen themselves), and a reduction of fishing effort argument, partnerships should be allowed on a limited basis.

- (a) Partnerships may be created and maintained only in cases whereby both parties possess privileges for a Category "A" licence as outlined in Section 9.1(1)(2)(3) of the Lobster Fishery Regulations.
- (b) The two basic principles which underlie the lobster partnership policy will be that:
 - (1) both persons or partners must be present in the boat at the same time during fishing operations,
 - and
 - (2) the number of lobster traps that can be fished by the partnerships cannot be greater than the legal number of traps plus 50% of the allocated or designated number for that lobster district.

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- (c) In the event of the death of a person within a partnership the partnership would be dissolved with the surviving partner and the deceased's spouse each offered a Category "A" licence.
- (d) In the event of sickness or injury to one of the partners, the local Fishery Officer may, at his discretion, issue a "Temporary Permit" authorizing the operation of the vessel by one person (the other partner). Similarly a helper can be authorized to go with the remaining partner.
- (f) In the event of a lobster violation, conviction which results in a recommendation for suspension of fishing privileges, the following condition should be made clear to eligible persons considering forming a partnership. Upon conviction under applicable fishery regulations, both partners will be considered fully liable and responsible since the vessel and both partners are considered as a single fishing effort unit.
- (g) All partnerships will be normally established for two years. After a period of two years the

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persons involved in a lobster fishery partnership may decide to split their partnership. The following procedure should be followed:

A request must be submitted to the Fishery Officer prior to Licensing for the next lobster season in that particular district stating the reasons for the partnership's split. The request signed by one of the partners involved in the partnership will be forwarded along with a recommendation from the local Fishery Officer to the District Protection Officer for approval.

LICENSING UNDER AGE INDIVIDUALS

In the past, lobster licences have been transferred to "under aged" individuals with each case being judged on its own merits. In the future, transfers to individuals under sixteen years of age will not normally be approved for the following reasons:

- (a) The Minister has stated publicly that any transfer of a licence should only be to a recognized commercial fisherman.
- (b) It is felt that a person under 16 years of age, in general, is not mature enough to realize his responsibilities as an operator of a lobster vessel nor likely to have a full understanding of the applicable fishery regulations.

TEMPORARY OPERATOR PERMIT

In the event of sickness or injury to a primary operator, the local Fishery Officer may, at his discretion, issue a "Temporary Permit" authorizing another individual to operate that vessel. The permit, to be prepared on Departmental letterhead, must specify the exact period of validity based on the nature of the illness or injury but may be renewed, if necessary. Care must be taken not to issue temporary permits without proof of the sickness or injury.

In the event of a vessel breakdown, sinking, etc. a "substitute vessel permit" may be granted by the District Protection Officer at his discretion. This permit should be prepared in the same manner as the "Temporary Permit" described above by taking the same precautions.



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MEMORANDUM

NOTE DE SERVICE

See Distribution

Chief, Protection & Regulations
Charlottetown, P.E.I.

SECURITY - CLASSIFICATION - DE SÉCURITÉ

OUR FILE/NOTRE RÉFÉRENCE

5600-1

YOUR FILE/VOTRE RÉFÉRENCE

DATE

12 March, 1985

SUBJECT
OBJET

UPGRADING CLASS "B" LOBSTER LICENCES

The enclosed policy will be the Gulf Region's Policy on the
above subject. As you can see, "the powers that be" have
decided that there will be no further upgrading of "B" licences.

D.I. Rix
D.I. Rix

Distribution:

N.E. MacLeod
D.G. Sheidow
D.F. Bryan
G.R. Arsenault
E.J. Bernard
S.M. Matheson
J.R. St. John
D.M. Blackadar
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P.A. Gallant
B.W. Lewis
D.A. MacIsaac
J.B. Rix
I.M. Woodland
F.S. Bryan
R. MacInnis
D. Sheidow

MEMORANDUM NOTE DE SERVICE

TO → M. Lévesque
A B. Handsbee
R. Johnston

FROM DE Director General/Directeur général
Gulf Region/Région du Golfe

SUBJECT
OBJET

CLASS "B" - LOBSTER LICENSES

The subject of upgrading of Class "B" licenses has been an ongoing issue for the past several years. Recently it has become quite evident that a policy must be adopted in 1985 which addresses this issue in light of the potential increase in effort and the impact on full-time bonafide fishermen.

Background

It is generally acknowledged by all those concerned that the lobster fishery is the backbone of the inshore fishery in the Maritime Provinces. Recognizing this, the Department has in past years taken several measures to promote and enhance the viability and stability for the lobster fishery for those fishermen who rely heavily on this fishery for their livelihood. Some of the measures that were taken and others that are being discussed are as follows:

Categorization of lobster fishermen (A or B) began in 1968 and again took place in 1976 followed shortly thereafter with a buy-back program of lobster licenses. In more recent years, the Department has adopted policies whereby restrictions were imposed on the transferability of

SECURITY - CLASSIFICATION - DE SECURITE	
OUR FILE - N / REFERENCE	
YOUR FILE - V / REFERENCE	
DATE	April 22, 1985/ le 22 avril 1985

PERMIS DE PÊCHE DU HOMARD -
CATÉGORIE "B"

La reclassification des permis de catégorie "B" a fait l'objet de beaucoup de discussions au cours des dernières années. Il est maintenant évident qu'il faudra en 1985 adopter une politique qui traitera de cette question à la lumière de l'augmentation possible de l'effort de pêche et des répercussions sur les pêcheurs professionnels à plein temps.

Historique

Il est généralement reconnu de tous que la pêche du homard est devenue le pivot de la pêche côtière dans les provinces Maritimes. Ainsi, le Ministère a, au cours des dernières années, pris plusieurs mesures pour promouvoir et mettre en valeur la rentabilité et la stabilité de la pêche du homard pour les pêcheurs qui vivent de cette activité. Voici quelques-unes des mesures qui ont été prises ainsi que d'autres mesures envisagées.

La catégorisation des pêcheurs de homard (A ou B) a commencé en 1968, a été reprise en 1976 et a été suivie peu de temps après par un programme de rachat des permis de pêche du homard. Au cours des dernières années, le Ministère a adopté des lignes de conduite qui

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lobster licenses (i.e. Port to Port Transfer Policy, Bonafide Fishermen's Licensing Policy). In 1982, the Scotia-Fundy Region amended their licensing policy to eliminate upgrading or downgrading of lobster licenses. Much effort has taken place and is still ongoing to reduce the level of poaching in the lobster fishery. Many discussions have been and are continuing to take place with regards to minimum legal carapace size increase towards increased harvest by volume, the premise being that larger lobster will likely command higher prices. Lobster escapement mechanisms will become mandatory in 1986, as it is felt that this measure will also enhance the stability of the fishery.

ont entraîné des restrictions sur les transferts de permis de pêche (p. ex. politique sur les transferts entre les ports, politique de délivrance des permis aux pêcheurs bonafide). En 1982, la région de Scotia-Fundy a modifié sa politique de délivrance des permis de façon à éliminer la reclassification des permis de pêche. On a consacré beaucoup d'efforts, qui se poursuivent d'ailleurs, pour réduire le braconnage du homard. Beaucoup de discussions ont eu lieu et se poursuivent sur la proposition d'augmenter la taille légale minimale en vue d'une exploitation accrue par volume, la prémisses étant que des homards plus gros commanderont des prix plus élevés. L'installation, dans les casiers, de mécanismes d'évasion pour le homard deviendra obligatoire en 1986; on estime que cette mesure favorisera aussi la stabilité de la pêche.

1985 Licensing Policy

I understand that in each of your respective areas, the present policy does not permit the upgrading of "B" licenses, except in unusual circumstances (i.e. loss of employment). I am also aware that you are generally supportive of a firmer policy whereby no upgrading could take place under any circumstances.

Politique de délivrance des permis de 1985

Je crois comprendre que dans chacun de vos secteurs, la politique en vigueur n'autorise pas la reclassification des permis de catégorie "B", sauf dans des circonstances exceptionnelles (p. ex. perte d'emploi). Je reconnais aussi que de façon générale, vous aimeriez avoir une politique plus ferme qui n'autoriserait aucune reclassification dans aucune circonstance.

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- 3 -

"In light of all of the above, I have come to the conclusion that the Region must be consistent in its management approach for the lobster fishery by restricting increases in the present level of effort, and giving priority to full-time bonafide fishermen. Consequently, no upgrading of Class "B" lobster licenses will be permitted in 1985 and beyond.*

No official announcement (Press Release) on this change in licensing policy is anticipated at the present time. Rather, individuals who have made or will make requests to have their "B" licenses upgraded should simply be advised of the present Regional licensing policy prohibiting such.

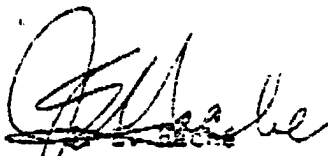
*The only exception to this is pending the Finalization of Native Fisheries Policy for the Region.

À la lumière de ce qui précède, je suis arrivé à la conclusion que la région doit être uniforme dans son régime de gestion de la pêche du homard en limitant l'accroissement de l'effort de pêche actuel et en accordant la priorité aux pêcheurs professionnels à plein temps. En conséquence, aucune reclassification des permis de pêche du homard de catégorie "B" ne sera autorisée en 1985, ni par après.

On ne prévoit pas pour le moment annoncer officiellement (communiqué de presse) ce changement dans la politique de délivrance des permis. Pour les personnes qui ont demandé ou qui demanderont la reclassification de leur permis de catégorie "B", il faudra leur signaler que cela est défendu aux termes de la politique régionale de délivrance des permis.

*La seule exception qu'il pourrait y avoir à cette règle serait la politique sur la Pêche Autochtone pour la Région qui n'a pas été officialisée.

Le Directeur général,


Director General

cc: G. Lafranchise
C. Gaudet



Government
of Canada

Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

TO
A

M. Lévesque
B. Hendsbee
R. Johnston

FROM
DE

Regional Director General
Gulf Region

SUBJECT
OBJET

CLASS "B" - LOBSTER LICENSES

SECURITY - CLASSIFICATION - DE SECURITE
OUR FILE - N / REFERENCE
YOUR FILE - V / REFERENCE
DATE

The subject of upgrading of Class "B" licenses has been an ongoing issue for the past several years. Recently it has become quite evident that a policy must be adopted in 1985 which addresses this issue in light of the potential increase in effort and the impact on full-time bonafide fishermen.

Background

It is generally acknowledged by all those concerned that the lobster fishery is the backbone of the inshore fishery in the Maritime Provinces. Recognizing this, the Department has in past years taken several measures to promote and enhance the viability and stability for the lobster fishery for those fishermen who rely heavily on this fishery for their livelihood. Some of the measures that were taken and others that are being discussed are as follows:

A B and C

Categorization of lobster fishermen (A or B) began in 1968 and again took place in 1976 followed shortly thereafter with a buy-back program of lobster licenses. In more recent years, the Department has adopted policies whereby restrictions were imposed on the transferability of lobster licenses (i.e. Port to Port Transfer Policy, Bonafide Fishermen's Licensing Policy). In 1982, the Scotia-Fundy Region amended their licensing policy to eliminate upgrading or downgrading of lobster licenses. Much effort has taken place and is still ongoing to reduce the level of poaching in the lobster fishery. Many discussions have been and are continuing to take place with regards to minimum legal carapace size increase towards increased harvest by volume, the premise being that larger lobster will likely command higher prices. Lobster escapement mechanisms will become mandatory in 1986, as it is felt that this measure will also enhance the stability of the fishery.

1985 Licensing Policy

I understand that in each of your respective areas, the present policy does not permit the upgrading of "B" licenses, except in unusual circumstances (i.e. loss of employment). I am also aware that you are generally supportive of a firmer policy whereby no upgrading could take place under any circumstances.

In light of all of the above, I have come to the conclusion that the Region must be consistent in its management approach for the lobster fishery by restricting increases in the present level of effort, and giving priority to full-time bonafide fishermen. Consequently, no upgrading of Class "B" lobster licenses will be permitted in 1985 and beyond.

No official announcement (Press Release) on this change in licensing policy is anticipated at the present time. Rather, individuals who have made or will make requests to have their "B" licenses upgraded should simply be advised of the present Regional licensing policy prohibiting such, and be given a copy of the policy statement attached.

*The only exception to this is pending the finalization of Native Fisheries Policy for the Region.

J.-E. Haché

Attachment

GULF REGION

POLICY STATEMENT

CLASS B LOBSTER LICENSES

LOBSTER FISHERY DISTRICTS 7B, 7B1, 7C AND 8

The Region must be consistent in its management approach for the lobster fishery by restricting increases in the present level of effort, and giving priority to full-time bonafide fishermen. Consequently, no upgrading of Class "B" lobster licenses will be permitted in 1985 and beyond.

Récal

BRIEFING NOTE

ISSUE: Lobster - Category "B" licences

BACKGROUND: Category "B" lobster licences were established under the Department's "moonlighter policy" in 1976. Fishermen who hold these licences are dispersed throughout the Maritime lobster Districts, are required to fish at reduced levels (30%) and in most areas are not an issue.

However, in the Stonehaven area of Northern New Brunswick and the Canso Causeway area in Nova Scotia, there exists a higher concentration of "B" licences and these are the source of continuing complaints from full-time fishermen. The problem is accentuated in the Stonehaven area as lobster landings are relatively low and full-time fishermen in this area are having great difficulty in making a "respectable" living. On the other hand, a good number of Category B fishermen are earning relatively good wages from their full-time job.

The Maritime Fishermen's Union is requesting that Category B lobster fishermen not be permitted to participate in the fishery if other employment is gained during the lobster season.

D.F.O. POSITION: The Department has recently taken steps to ensure the gradual phase-out of all Category B licences as no upgrading of "B" licences will be permitted in 1985 and beyond.

The Department will continue to honor its commitment made in 1976 that: "persons with full-time jobs but with a long historical attachment to the fishery may remain in this fishery for as long as they choose".

PREPARED BY: Rhéal Vienneau, Staff Officer, Pelagics & Shellfish, Gulf, (506) 758-9044

APPROVED BY: David Dunn, Chief, Resource Allocation, Gulf, (506) 758-9044

DATE OF APPROVAL: April 11, 1985

FACT SHEET

LOBSTER

a) Upgrading of Class "B" Lobster Licences - New Brunswick

"Class B" lobster fishermen in the Stonehaven to Belledune area are requesting that upgrading of their licences to Class A be permitted should they lose their full-time employment.

There are approximately 100 Class B lobster licences in New Brunswick of which 73 are located in the above area.

Up until 1985 the lobster licensing policy permitted the upgrading of some Class B licences only under unusual circumstances such as loss of employment.

In April 1985 this policy was amended such that no upgrading of licences could occur under any circumstances.

In order to provide stability to the lobster fishery, no increase in fishing effort should be allowed, especially in the Bay of Chaleur when lobster landings are considerably lower than in other areas (5,000 lbs/fishermen on 10,000 lb +).

The present policy is now uniform Atlantic wide.

b) Carapace Size Increase - District 7B1

The majority of Nova Scotia lobster fishermen in District 7B1 support an increase in carapace size (1/16" /up for next 4 years) while the majority of P.E.I. fishermen are opposed.

Consultations with District 7B1 fishermen are ongoing at the present time to review several options, including the creation of an experimental area on the Nova Scotia side. A specific proposal based on these consultations will be prepared by D.F.O. and submitted to fishermen for their views.

The major issue at the present time, for both P.E.I. and N.S. fishermen, is the establishment of a "line" dividing the district. From a regulatory point of view, this is unavoidable if two different legal carapace sizes are to be established inside the District 7B1 area.

On an other related matter some Nova Scotia fishermen are promoting an increase in the number of traps to coincide with a carapace size increase. This concept would be rejected by a vast majority of fishermen. It is also unacceptable to D.F.O. as it would nullify any real scientific analysis of the impact of carapace size increase and hence would be counter productive.

**Pages 190 to / à 191
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pages 68 to / à 69**

**Pages 192 to / à 205
are duplicates of
sont des duplicatas des
pages 60 to / à 70**

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page 83

Fisheries Opening After April 1, 2013 Requiring Harvesters to Purchase Tags

REGION	FISHERY	LICENCES
	Lobster LFA 25 (P)	8
GULF	Lobster LFA 26A	763
	Lobster LFA 26A (A)	754
	Lobster LFA 26A (B)	9
GULF	Lobster LFA 26B	245
	Lobster LFA 26B (A)	241
	Lobster LFA 26B (B)	4
GULF	Lobster LFA 27	42
GULF	Mackerel 15-16 trapnets	20
GULF	Shad	10
GULF	Silversides	85
GULF	Smelt	1106
GULF	Crab Snow 12, 18, 25, 26	78
GULF	Crab Snow 12EF	14
GULF	Crab Snow 18	30
GULF	Crab Snow 19	183
GULF	Crab Rock (Toad)	249
GULF	Eel	923
GULF	Groundfish <19.8m	1810
GULF	Herring 15 16 16+17 Gillnet/trap	2473
GULF	Lobster LFA 23	759
	Lobster LFA 23 (A)	718
	Lobster LFA 23 (B)	41
GULF	Lobster LFA 24	639
	Lobster LFA 24 (A)	635
	Lobster LFA 24 (B)	4
GULF	Lobster LFA 25	833
	Lobster LFA 25 (A)	819
	Lobster LFA 25 (B)	6

Government of Canada
Fisheries and OceansGouvernement du Canada
Pêches et OcéansPROTECTED SOLICITOR CLIENT PRIVILEGE
GCCMS# 2017-045-00087 v5
FILE# ABQ-6270-1To: Catherine Blewett, Deputy Minister
Pour: Kevin Stringer, Assoc. DM

Date: March 15, 2017

Object: **REQUEST TO UPGRADE HIS LOBSTER**
Objet: **CATEGORY "B" LICENCE TO A LOBSTER CATEGORY "A" LICENCE**

From / De: J. MacDonald, Director General, Oceans and Fisheries Policy

Via: P. Morel – A/ Senior ADM – EFM
S. Lapointe – A/ADM – EFM Operations

Additional approvals:

Autre(s) approbation(s):

M. Knight – RDG – Maritimes Region

S. Sharzer, Sr. General Counsel

☒ Your Signature
Votre signature☐ Information☐ For Comments
Observation☒ Material for the Minister
Documents pour le Ministre

Remarks: The Department has assessed this issue in full.

Remarques: ☒ It contains no reference to matters covered by the screen relating to J.D. Irving Limited.
☐ It contains matters referenced in the screen relating to J.D. Irving Limited, but in our view does not engage the screen.
☐ In our view, the screen relating to J.D. Irving Limited should be engaged.This briefing note was developed in consultation with the following
regions/sectors: [Legal Services]

Drafting Officer/ Rédacteur:

O. Sy- 613-854-3472 – Policy Analyst - NFP

N. Bastien, Manager – NFP / T. Kerluke, Director - NFP

**Pages 209 to / à 212
are withheld pursuant to sections
sont retenues en vertu des articles**

21(1)(b), 23, 19(1), 21(1)(a)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

**Pages 213 to / à 215
are withheld pursuant to section
sont retenues en vertu de l'article**

19(1)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Page 216
is not relevant
est non pertinente

UNCLASSIFIED

TAB 2
2017-045-00087

MARITIME PROVINCES LOBSTER LICENSING POLICY

In 1969, the Department introduced limited entry in the lobster fishery of the Maritime Provinces. Licences were categorized as category "A" for fish harvesters who had fished a minimum number of traps in 1968, and category "B" for those who had not.

Subsequent to consultations with industry and a review by a Task Force, three categories of lobster licences were introduced in 1976 as a mean to phase-out persons who had full time employment outside the fishery (i.e., moonlighters):

- Category "A": Issued to fish harvesters who were dependent on the lobster fishery and who had no year-round employment outside the fishery nor any full-time seasonal job that coincides with the lobster season;
- Category "B": Issued to fish harvesters who have held a lobster licence since 1968, but did not meet employment criteria for category "A" licences; and,
- Category "C": Issued to fish harvesters who did not meet the criteria for either category "A" or "B" licences. These licences were issued until 1979 and not renewed afterward.

When introduced in 1976, lobster category "B" licences could be upgraded to lobster category "A" licences if the employment status of the licence holder changed. However, this upgrading policy was discontinued in 1982 in the Maritimes Region and in 1985 in the Gulf Region following a review of the lobster licensing policy.

The policy to consider upgrades was discontinued as it was considered unfair to category "A" licence holders who stood to no longer being eligible to hold lobster licences upon taking employment outside the fishery, while fish harvesters holding lobster category "B" licences and with similar levels of employment could retain their licences.

Additionally, upgrading a licence was viewed as an increase in effort over time as lobster category "B" licences are only permitted to use one third (1/3) the number of traps as compared to lobster category "A" licence holders.

The policy regarding lobster category "B" licences has remained the same since then in that:

- they cannot be the subject of a request for re-issuance to other fishers;
- they may not be upgraded to lobster category "A" licences; and,
- they are eliminated upon the retirement or death of the licence holder.

Records as far back as 1980 indicate an original total number of 398 lobster category "B" licences (254 in Maritimes and 144 in Gulf). Their number has decreased slowly since then, but should accelerate with licence holders nearing retirement age.

.../2

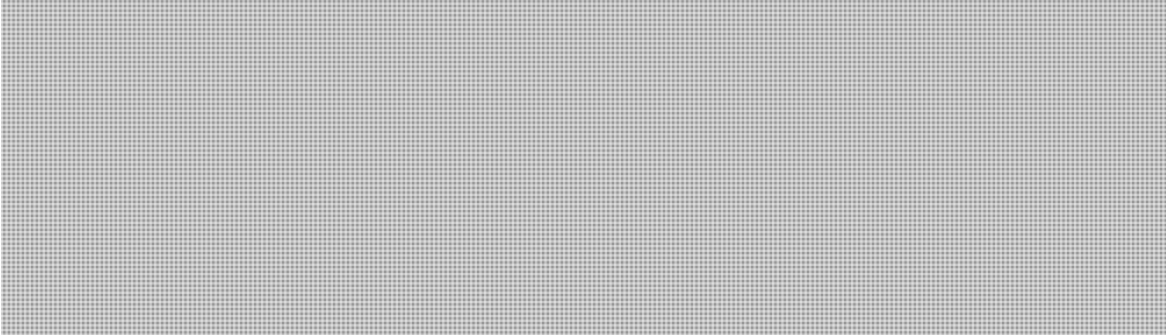

UNCLASSIFIED

TAB 2

2017-045-00087

- 2 -

There have only been two identified cases where a lobster category "B" licence was upgraded to a category "A", both in the Gulf Region:

- 
- 

In addition, between 1978 and 1981, 1,569 lobster category "A" licences were retired at a cost of over \$5M, to improve the economic viability of remaining lobster fishers. However, in 1995, report from the Fisheries Resource Conservation Council (FRCC) recommended that significant conservation measures be taken to address lobster conservation problems. Again in its 2007 report, the FRCC concluded "that high exploitation rates pose a threat to sustainability and should be reduced". Reducing the exploitation rate will require substantial reductions in fishing effort in some LFAs". In 2009, the Department has contributed over \$50 million funding through the Atlantic Lobster Sustainability Measures program to improve the economic prosperity and long-term sustainability in all Lobster Fishing Areas. Allowing the conversion of lobster category "B" licences into lobster "A" licences would be neither consistent with the FRCC conclusion nor with the measures taken by the Department over the years.

February 7, 2017

000218

TAB 3
2017-045-00087

Ministerial Correspondence docket #
No. du dossier de la correspondance ministérielle : 2016-001-02682

Date Received in MCCU / Date de réception en UCCM :		9/12/2016 BF
Action:	Name / Nom and / et Title, Branch / Titre et Direction	Date:
Drafted by / Rédigé par:	Brittany Findlay MCCU, Student Writer and Editor (Taken from 2016-001-01139)	Date: 11/25/2016
Approved by / Approuvé par	Julia McCuaig Regional Senior FM Officer Resource & Aboriginal Fisheries	Date: 11/28/2016 Via email
Approved by / Approuvé par	Jacinta Berthier Director Resource & Aboriginal Fisheries Maritimes Region	Date: 11/28/2016
Approved by / Approuvé par	Doug Wentzell Regional Director Fisheries Management	Date: 11/30/2016 Via email
Approved by / Approuvé par	Maritimes revisions	Date: 12/07/2016
Edited by / Révisé par	Bhavana Gopinath A/ Sr. Editor	Date: 12/14/2016
Approved by / Approuvé par	Morley Knight Regional Director General Maritimes Region	Date: 12/21/2016
Approved by / Approuvé par	O. Sy / N. Bastien – NFP T. Kerluke – Director – NFP J. MacDonald, DG - OFP	Date: 7/2/2017

Other Consultations (e.g.: Other Government Departments) / *Autres consultations (par exemple, autres ministères du gouvernement)*

Name / Nom and / et Title, Branch / Titre et Direction	Date
	Date:
	Date:

**Pages 220 to / à 221
are withheld pursuant to section
sont retenues en vertu de l'article**

19(1)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Postnikoff, Jonathan

From: Mostowich, Kyla
Sent: Thursday, April 26, 2018 1:20 PM
To: Curlett, Karen A; Waddell, Mark
Cc: Griffiths, Sharon; Valerio, Michael; Jaremek, Daniel
Subject: FOR INFO: 2018-001-00777, re: Lobster Licence Review
Attachments: Main Docs 2018-001-00777.pdf

Docket No.: 2018-001-00777
Subject: Lobster Licence Review
Addressed to: Verna Docherty
Correspondent: [REDACTED]

Attached is correspondence that the Minister was only copied on. The Ministerial Correspondence Unit (MCU) has assessed that a reply from the Minister is not necessary and will not take any further action.

This INFO docket is being sent to you for your information only; please distribute as appropriate to others within DFO who may have an interest in the issue(s) raised in the correspondence.

Kyla Mostowich

Analyst, Ministerial Correspondence Control Unit
Fisheries and Oceans Canada / Government of Canada
Kyla.Mostowich@dfo-mpo.gc.ca

Analyste, Unité du contrôle de la correspondance ministérielle
Pêches et Océans Canada / Gouvernement du Canada
Kyla.Mostowich@dfo-mpo.gc.ca

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19(1)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

SYDNEY DFO OFFICE, FEB. 08, 2005

CORE DESIGNATION:

NOTE: "CORE" IS A DESIGNATION ONLY. IT IS NOT AN IDENTIFYING NUMBER.

FISHERS ARE IDENTIFIED BY THEIR (FIN) FISHER IDENTIFICATION NUMBER

TO BE CORE DESIGNATED A FISHER MUST MEET THE FOLLOWING CRITERIA

MUST BE REGISTERED FULL TIME IN 2005, AND MEET ONE OF THE FOLLOWING CRITERIA

- (1) HOLD TWO KEY LICENSES (RESTRICTED ENTRY)
- (2) OR ONE KEY LICENSE WITH ANNUAL EARNINGS FROM THE FISHERY OF \$25,000
- (3) OR ONE VESSEL BASED LICENSE WITH 75% OF ANNUAL INCOME IN TWO OF THE
PAST FOUR YEARS, FROM FISHING.

IMPORTANT TO NOTE THAT A CLASS "B" LOBSTER LICENSE IS REGARDED AS A VESSEL
BASED LICENSE FOR THE PURPOSE OF THE ABOVE CRITERIA.

DFO STATES THAT INFORMATION RELATING TO ANY QUALIFYING CRITERIA MUST BE
ACCOMPANIED BY OFFICIAL DOCUMENTATION

Page 232

**is withheld pursuant to section
est retenue en vertu de l'article**

19(1)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

**Pages 233 to / à 234
are duplicates of
sont des duplicatas des
pages 68 to / à 69**

**Pages 235 to / à 248
are duplicates of
sont des duplicatas des
pages 60 to / à 70**



Pêches et Océans
Canada

Scotia-Fundy Licence Summary by Licence Area and Subtype

User: Jenknsa
Date: 01-Aug-2019
10:04 AM

Species: LOBSTER

Licence Subtype: CATEGORY B

Area: ALL

Effective Date: 2019-12-31

Species Description	Licence Area	Licence Subtype	Licence Total
LOBSTER	LOBSTER FISHING AREA - 27	CATEGORY B	12
Licence Area Total:			12
	LOBSTER FISHING AREA - 29	CATEGORY B	5
Licence Area Total:			5
	LOBSTER FISHING AREA - 31A	CATEGORY B	3
Licence Area Total:			3
	LOBSTER FISHING AREA - 32	CATEGORY B	4
Licence Area Total:			4
	LOBSTER FISHING AREA - 33	CATEGORY B	27
Licence Area Total:			27
	LOBSTER FISHING AREA - 35	CATEGORY B	2
Licence Area Total:			2
	LOBSTER FISHING AREA - 36	CATEGORY B	1
Licence Area Total:			1
	LOBSTER FISHING AREA - 38	CATEGORY B	1
Licence Area Total:			1
Species Total:			55

Access to Information Request / Demande d'accès à l'information A-2019-00516 / CW

Gulf Region Category B Lobster Licences					
	Lobster Fishing Area				
Province	23	25	26A	26B	Total
NB	28	4			32
NS		1	2	3	6
PE			1		1
Total	28	5	3	3	39

A total of 5 appeals has been heard regarding Lobster Class B licences and none of them have been successful.

Region	Fishery	Fishing Area	Administrative Area	Season Opening 1	Season Closing 1	Season Opening 2
Maritimes	Lobster A	LFA 27	ENS	15-May-18	15-Jul-18	
Maritimes	Lobster A	LFA 28	ENS	30-Apr-18	30-Jun-18	
Maritimes	Lobster A	LFA 29	ENS	30-Apr-18	30-Jun-18	
Maritimes	Lobster A	LFA 30	ENS	19-May-18	20-Jul-18	
Maritimes	Lobster A	LFA 31A	ENS	29-Apr-18	30-Jun-18	
Maritimes	Lobster A	LFA 31A	SWNS	29-Apr-18	30-Jun-18	
Maritimes	Lobster A	LFA 31A	SNB	29-Apr-18	30-Jun-18	
Maritimes	Lobster A	LFA 31B	ENS	19-Apr-18	20-Jun-18	
Maritimes	Lobster A	LFA 32	ENS	19-Apr-18	20-Jun-18	
Maritimes	Lobster A	LFA 32	SWNS	19-Apr-18	20-Jun-18	
Maritimes	Lobster A	LFA 33	ENS	27-Nov-18	31-May-19	
Maritimes	Lobster A	LFA 33	SWNS	27-Nov-18	31-May-19	
Maritimes	Lobster A	LFA 34	ENS	27-Nov-18	31-May-19	
Maritimes	Lobster A	LFA 34	SWNS	27-Nov-18	31-May-19	
Maritimes	Lobster A	LFA 35	ENS	14-Oct-18	31-Dec-18	28-Feb-19

Maritimes	Lobster A	LFA 35	SWNS	14-Oct-18	31-Dec-18	28-Feb-19
Maritimes	Lobster A	LFA 35	SNB	14-Oct-18	31-Dec-18	28-Feb-19
Maritimes	Lobster A	LFA 36	SWNS	14-Nov-18	14-Jan-19	31-Mar-19
Maritimes	Lobster A	LFA 36	SNB	14-Nov-18	14-Jan-19	31-Mar-19
Maritimes	Lobster A	LFA 38	SWNS	14-Nov-18	29-Jun-19	
Maritimes	Lobster A	LFA 38	SNB	14-Nov-18	29-Jun-19	
Maritimes	Lobster - Grey Zone	LFA 38b	SNB	30-Jun-18	10-Nov-18	
Maritimes	Lobster B	LFA 27	ENS	15-May-18	15-Jul-18	
Maritimes	Lobster B	LFA 29	ENS	30-Apr-18	30-Jun-18	
Maritimes	Lobster B	LFA 31A	ENS	29-Apr-18	30-Jun-18	
Maritimes	Lobster B	LFA 31B	ENS	19-Apr-18	20-Jun-18	
Maritimes	Lobster B	LFA 32	ENS	19-Apr-18	20-Jun-18	
Maritimes	Lobster B	LFA 33	SWNS	27-Nov-18	31-May-19	
Maritimes	Lobster B	LFA 35	ENS	14-Oct-18	31-Dec-18	28-Feb-19
Maritimes	Lobster B	LFA 35	SWNS	14-Oct-18	31-Dec-18	28-Feb-19
Maritimes	Lobster B	LFA 36	SNB	14-Nov-18	14-Jan-19	31-Mar-19
Maritimes	Lobster B	LFA 38	SNB	14-Nov-18	29-Jun-19	

Season Closing 2	Season Opening 3	Season Closing 3	Season Length (days)	Number of Licences
			62	457
			62	7
			62	53
			63	20
			63	65
			63	1
			63	2
			63	70
			63	146
			63	1
			186	56
			186	580
			186	16
			186	928
31-Jul-19			232	11

31-Jul-19	232	54
31-Jul-19	232	10
29-Jun-19	152	4
29-Jun-19	152	157
	228	1
	228	118
	134	71
	62	13
	62	5
	63	4
	63	1
	63	4
	186	30
31-Jul-19	232	1
31-Jul-19	232	1
29-Jun-19	152	1
	228	1

Selected %: 0,08

Region	Fishery	Fishing Area	Admin Area	Season Opening 1	Season Closing 1	Season Opening 2	Season Closing 2	Season Opening 3	Season Closing 3	Season Length (days)	Number of Licences	% of Licences	Weighted Season Length	Weighted Average Season of Fishing Area (Days)	Admin Area-Based Sick Days	Fishery Based Sick Days	Difference between Fishery-Based and Area-Based	Admin-based Sick Days as a percentage of season length
Maritimes	Crab, Rock	LFA 27	ENS	15-Aug-18	31-Dec-18					139	15	0,3%	0,4			12	7	14%
Maritimes	Lobster A	LFA 27	ENS	15-May-18	15-Jul-18					62	457	9,3%	5,7			5	14	31%
Maritimes	Lobster B	LFA 27	ENS	15-May-18	15-Jul-18					62	13	0,3%	0,2			5	14	31%
Maritimes	Lobster A	LFA 28	ENS	30-Apr-18	30-Jun-18					62	7	0,1%	0,1			5	14	31%
Maritimes	Lobster A	LFA 29	ENS	30-Apr-18	30-Jun-18					62	53	1,1%	0,7			5	14	31%
Maritimes	Lobster B	LFA 29	ENS	30-Apr-18	30-Jun-18					62	5	0,1%	0,1			5	14	31%
Maritimes	Lobster A	LFA 30	ENS	19-May-18	20-Jul-18					63	20	0,4%	0,3			6	13	30%
Maritimes	Lobster A	LFA 31A	ENS	29-Apr-18	30-Jun-18					63	65	1,3%	0,8			6	13	30%
Maritimes	Lobster B	LFA 31A	ENS	29-Apr-18	30-Jun-18					63	4	0,1%	0,1			6	13	30%
Maritimes	Lobster A	LFA 31B	ENS	19-Apr-18	20-Jun-18					63	70	1,4%	0,9			6	13	30%
Maritimes	Lobster B	LFA 31B	ENS	19-Apr-18	20-Jun-18					63	1	0,0%	0,0			6	13	30%
Maritimes	Lobster A	LFA 32	ENS	19-Apr-18	20-Jun-18					63	146	3,0%	1,9			6	13	30%
Maritimes	Lobster B	LFA 32	ENS	19-Apr-18	20-Jun-18					63	4	0,1%	0,1			6	13	30%
Maritimes	Lobster A	LFA 33	ENS	27-Nov-18	31-May-19					186	56	1,1%	2,1			15	4	10%
Maritimes	Lobster A	LFA 34	ENS	27-Nov-18	31-May-19					186	16	0,3%	0,6			15	4	10%
Maritimes	Lobster A	LFA 35	ENS	14-Oct-18	31-Dec-18	28-Feb-19	31-Jul-19			232	11	0,2%	0,5			19	0	8%
Maritimes	Lobster B	LFA 35	ENS	14-Oct-18	31-Dec-18	28-Feb-19	31-Jul-19			232	1	0,0%	0,0			19	0	8%
Maritimes	Lobster A	LFA 31A	SNB	29-Apr-18	30-Jun-18					63	2	0,1%	0,1			6	14	32%
Maritimes	Lobster A	LFA 35	SNB	14-Oct-18	31-Dec-18	28-Feb-19	31-Jul-19			232	10	0,6%	1,3			19	1	9%
Maritimes	Lobster A	LFA 36	SNB	14-Nov-18	14-Jan-19	31-Mar-19	29-Jun-19			152	157	8,7%	13,2			13	7	13%
Maritimes	Lobster B	LFA 36	SNB	14-Nov-18	14-Jan-19	31-Mar-19	29-Jun-19			152	1	0,1%	0,1			13	7	13%
Maritimes	Lobster A	LFA 38	SNB	14-Nov-18	29-Jun-19					228	118	6,5%	14,8			19	1	9%

000265

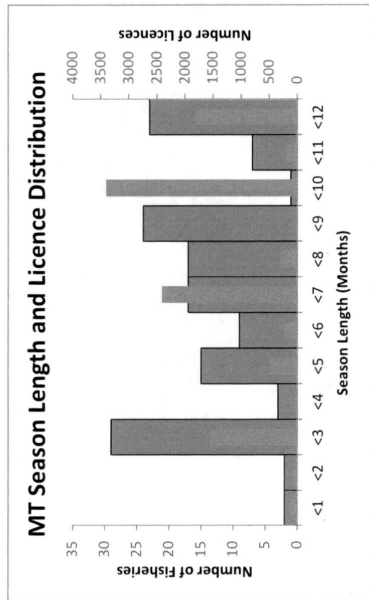
Maritimes	Lobster B	LFA 38	SNB	14-Nov-18	29-Jun-19	228	1	0.1%	0.1	19	1	9%
Maritimes	Lobster - Gre LFA 38b	SNB	SNB	30-Jun-18	10-Nov-18	134	71	3.9%	5.2	11	9	15%
Maritimes	Lobster A	LFA 31A	SWNS	29-Apr-18	30-Jun-18	63	1	0.0%	0.0	6	16	35%
Maritimes	Lobster A	LFA 32	SWNS	19-Apr-18	20-Jun-18	63	1	0.0%	0.0	6	16	35%
Maritimes	Lobster A	LFA 33	SWNS	27-Nov-18	31-May-19	186	580	9.1%	17.0	15	7	12%
Maritimes	Lobster B	LFA 33	SWNS	27-Nov-18	31-May-19	186	30	0.5%	0.9	15	7	12%
Maritimes	Lobster A	LFA 34	SWNS	27-Nov-18	31-May-19	186	928	14.6%	27.2	15	7	12%
Maritimes	Lobster A	LFA 35	SWNS	14-Oct-18	31-Dec-18	232	54	0.9%	2.0	19	3	9%
Maritimes	Lobster B	LFA 35	SWNS	14-Oct-18	31-Dec-18	232	1	0.0%	0.0	19	3	9%
Maritimes	Lobster A	LFA 36	SWNS	14-Nov-18	14-Jan-19	152	4	0.1%	0.1	13	9	14%
Maritimes	Lobster A	LFA 38	SWNS	14-Nov-18	29-Jun-19	228	1	0.0%	0.0	19	3	10%

>0 86
<0 44
"=0 17

0

	Bin	Frequency
<1	31 <1	2
<2	61 <2	2
<3	92 <3	29
<4	122 <4	3
<5	153 <5	15
<6	183 <6	9
<7	214 <7	17
<8	245 <8	17
<9	275 <9	24
<10	306 <10	1
<11	334 <11	7
<12	365 <12	23

143 143
198 55
1749 1551
1783 34
2267 484
2493 226
4908 2415
5214 306
5218 4
8624 3406
8810 186
10618 1808

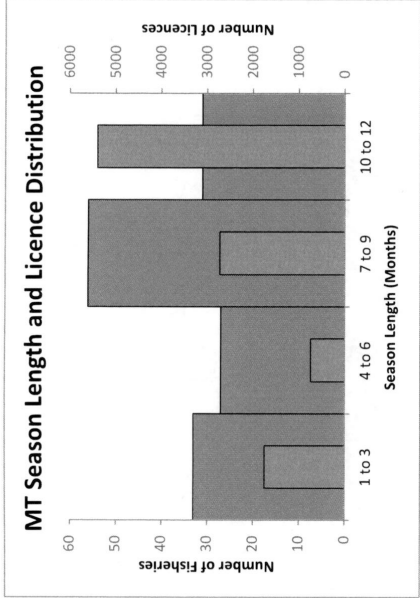


No difference between Fisher
More than the Positive Differ >0
Less than they Negative Differ <0

0 17
86
44

0 1536
5197
6370

92	Bin	Frequency
183	1 to 3	33
275	4 to 6	27
365	7 to 9	56
	10 to 12	31



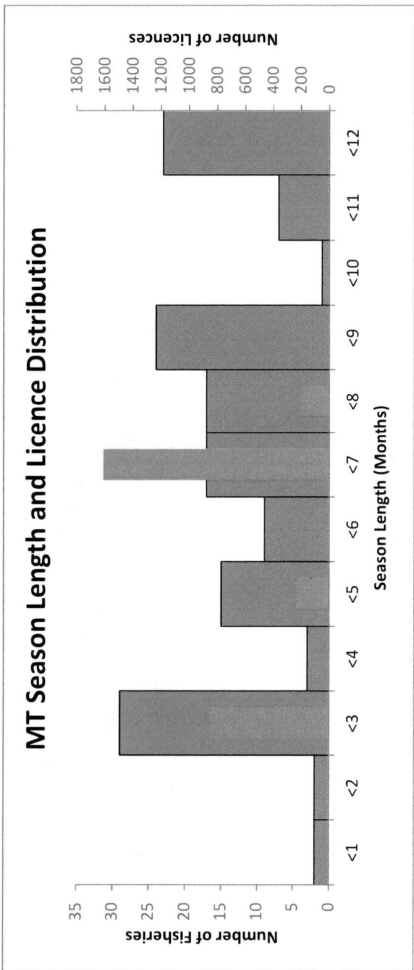
MT	Admin Area	STDev of Season Length
	ENS	108,4
	SNB	98,8
	SWNS	97,6

Region	Fishery	Fishing Area	Admin Area	Season Opening 1	Season Closing 1	Season Opening 2	Season Closing 2	Season Opening 3	Season Closing 3	Season Length (days)	Number of Licences
Maritimes	Lobster - Grey Zone	LFA 38b	SNB	30-Jun-18	10-Nov-18					134	71
Maritimes	Lobster A	LFA 27	ENS	15-May-18	15-Jul-18					62	457
Maritimes	Lobster A	LFA 28	ENS	30-Apr-18	30-Jun-18					62	7
Maritimes	Lobster A	LFA 29	ENS	30-Apr-18	30-Jun-18					62	53
Maritimes	Lobster A	LFA 30	ENS	19-May-18	20-Jul-18					63	20
Maritimes	Lobster A	LFA 31A	ENS	29-Apr-18	30-Jun-18					63	65
Maritimes	Lobster A	LFA 31B	ENS	19-Apr-18	20-Jun-18					63	70
Maritimes	Lobster A	LFA 32	ENS	19-Apr-18	20-Jun-18					63	146
Maritimes	Lobster A	LFA 31A	SNB	29-Apr-18	30-Jun-18					63	2
Maritimes	Lobster A	LFA 31A	SWNS	29-Apr-18	30-Jun-18					63	1
Maritimes	Lobster A	LFA 32	SWNS	19-Apr-18	20-Jun-18					63	1
Maritimes	Lobster A	LFA 36	SNB	14-Nov-18	14-Jan-19	31-Mar-19	29-Jun-19			152	157
Maritimes	Lobster A	LFA 36	SWNS	14-Nov-18	14-Jan-19	31-Mar-19	29-Jun-19			152	4
Maritimes	Lobster A	LFA 33	ENS	27-Nov-18	31-May-19					186	56
Maritimes	Lobster A	LFA 34	ENS	27-Nov-18	31-May-19					186	16
Maritimes	Lobster A	LFA 33	SWNS	27-Nov-18	31-May-19					186	580
Maritimes	Lobster A	LFA 34	SWNS	27-Nov-18	31-May-19					186	928
Maritimes	Lobster A	LFA 38	SNB	14-Nov-18	29-Jun-19					228	118
Maritimes	Lobster A	LFA 38	SWNS	14-Nov-18	29-Jun-19					228	1
Maritimes	Lobster A	LFA 35	ENS	14-Oct-18	31-Dec-18	28-Feb-19	31-Jul-19			232	11
Maritimes	Lobster A	LFA 35	SNB	14-Oct-18	31-Dec-18	28-Feb-19	31-Jul-19			232	10
Maritimes	Lobster A	LFA 35	SWNS	14-Oct-18	31-Dec-18	28-Feb-19	31-Jul-19			232	54
Maritimes	Lobster B	LFA 27	ENS	15-May-18	15-Jul-18					62	13
Maritimes	Lobster B	LFA 29	ENS	30-Apr-18	30-Jun-18					62	5
Maritimes	Lobster B	LFA 31A	ENS	29-Apr-18	30-Jun-18					63	4
Maritimes	Lobster B	LFA 31B	ENS	19-Apr-18	20-Jun-18					63	1
Maritimes	Lobster B	LFA 32	ENS	19-Apr-18	20-Jun-18					63	4
Maritimes	Lobster B	LFA 36	SNB	14-Nov-18	14-Jan-19	31-Mar-19	29-Jun-19			152	1
Maritimes	Lobster B	LFA 33	SWNS	27-Nov-18	31-May-19					186	30
Maritimes	Lobster B	LFA 38	SNB	14-Nov-18	29-Jun-19					228	1
Maritimes	Lobster B	LFA 35	ENS	14-Oct-18	31-Dec-18	28-Feb-19	31-Jul-19			232	1
Maritimes	Lobster B	LFA 35	SWNS	14-Oct-18	31-Dec-18	28-Feb-19	31-Jul-19			232	1

0

	Bin	Frequency
<1	31 <1	2
<2	61 <2	2
<3	92 <3	29
<4	122 <4	3
<5	153 <5	15
<6	183 <6	9
<7	214 <7	17
<8	245 <8	17
<9	275 <9	24
<10	306 <10	1
<11	334 <11	7
<12	365 <12	23

0	0	0	849	0	233	0	1610	197	0	0	0	0	0
0	0	849	849	1082	1082	2692	2889	2889	2889	2889	2889	2889	2889



92	Bin	Frequency
183	1 to 3	33
275	4 to 6	27
365	7 to 9	56
	10 to 12	31

849	849
1082	233
2889	1807
2889	0

